

STATES OF PEACE, SUPPLIERS OF WAR?
THE EMERGENCE OF CONVENTIONAL ARMS EXPORT RESTRAINTS

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Why, despite long-standing concerns for sovereignty, economics, and foreign policy, have states begun to pursue “responsible” arms export controls? This dissertation examines state initiatives to regulate the flow of conventional weapons to countries engaged in massive human rights violations or violent conflict. First, I include a unique cross-national statistical analysis of the export behavior of 22 small and major conventional arms supplier states from 1981-2004. The analysis explores the influence of human rights, conflict, democracy, and embargoes on the export practice of top supplier states. Second, I use case studies to examine the domestic and international politics of transfer control in five of the world’s top arms exporters: Belgium, Germany, France, the United Kingdom, and the United States. Based on extensive fieldwork, I argue that states’ concerns for reputation and image in international politics are central to their acceptance of new export standards amidst changing norms of humanitarian arms control policy. Beyond new *policies*, however, changes in export *practice* are slower to emerge and closely linked to governments’ reputational damage wake of arms export scandals. I find that growing arms trade transparency and an active domestic NGO community together challenge states to proceed with exports more cautiously by heightening their scandal sensitivity. I conclude that the effects of policy commitments in international fora and democratic accountability in domestic politics can begin a dynamic in which supplier states implement policies designed to enhance security and human rights outside their borders and around the world.

BIOGRAPHICAL SKETCH

Jennifer L. Erickson graduated *summa cum laude* from St. Olaf College in Northfield, Minnesota in 2001 with a BA in Political Science and earned her MA in Government from Cornell University in 2006. She received her PhD from the Department of Government at Cornell University in 2009, with a major in International Relations and a minor in Comparative Politics. During her fieldwork, she was a visiting research scholar at the Stiftung Wissenschaft und Politik and the Wissenschaftszentrum Berlin, both in Berlin, Germany. Prior to graduate school, she worked as a constituent advocate for US Senator Mark Dayton (D-MN). She is a native of Brainerd, Minnesota and will join the faculty of the Department of Political Science at Boston College after completing a Post-Doctoral Fellowship at the Dickey Center for International Understanding at Dartmouth College in 2009-2010.

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LIST OF ABBREVIATIONS

AA	Auswärtiges Amt (Federal Foreign Office)
ABM	Anti-Ballistic Missile
ACDA	Arms Control and Disarmament Agency
AGORIA	La Federation de'Industrie Technologique (Federation of Technological Industry)
AI	Amnesty International
AIA	Aerospace Industry Association
AP	Associated Press
ATOP	Alliance Treaty Obligations and Provisions Project
ATT	Arms Trade Treaty
AWG	Aussenwirtschaftsgesetz (Foreign Trade and Payments Act)
BAE	British Aerospace
BAFA	Bundesamt für Wirtschaft und Ausfuhrkontrolle (Office for Economics and Export Controls)
BDI	Bundesverband Deutscher Industrie e.V. (Federation of German Industry)
BMWi	Bundesministerium für Wirtschaft und Technologie (Federal Ministry for Economics and Technology)
BWC	Biological Weapons Convention
CAAT	Campaign Against the Arms Trade
CAT	Conventional Arms Transfer (Talks)
CDI	Center for Defense Information
CDU	Christian Democratic Union
CIA	Central Intelligence Agency

COCOM	Coordinating Committee on Multilateral Export Controls
COW	Correlates of War
CSC	The Coalition for Security and Competitiveness
DfID	Department for International Development (UK)
DOD	Department of Defense (United States)
DOS	Department of State (United States)
DMA	Defence Manufacturers Association (UK)
DRC	Democratic Republic of the Congo
DTAG	Defense Trade Advisory Group (United States)
DTI	Department of Trade and Industry (UK)
EC	European Community
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EFTA	European Free Trade Association
ENTAAT	European Network Against Arms Trade
EP	European Parliament
EU	European Union
FAS	Federation of American Scientists
FCO	Foreign and Commonwealth Office (UK)
FMF	Foreign Military Financing (Program)
FMS	Foreign Military Sales
GAO	General Accounting Office (United States)
GDP	Gross Domestic Product
GIAT	Groupement Industriel des Armements Terrestres (Land Armaments Industrial Group)

GKKE	Gemeinsame Konferenz Kirche und Entwicklung (Joint Conference Church and Development)
GRIP	Groupe de Recherche et d'Information sur la Paix et la Sécurité (Research and Information Group on Peace and Security)
HK	Heckler and Koch
HRW	Human Rights Watch
IANSA	International Action Network on Small Arms
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
IPIS	International Peace Information Service
IR	International Relations
ISS	Institute for Strategic Studies
JDW	Jane's Defence Weekly
KWKG	Gesetz über die Kontrolle von Kriegswaffen (Weapons of War Control Act)
MCW	Major Conventional Weapons
MFA	Ministry of Foreign Affairs
MIC	Military-Industrial Complex
MOD	Ministry of Defence/Defense
NA	Not Applicable
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NISAT	Norwegian Initiative on Small Arms Transfers
NRA	National Rifle Association
OAS	Organization of American States
OAU	Organization of African Unity

OECD	Organization for Economic Cooperation and Development
OLS	Ordinary Least Squares
OSCE	Organization for Security and Cooperation in Europe
P5	United Nations Security Council Permanent Members
PD-13	Presidential Directive 13
PII	Public Interest Immunity
POA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
PRB	Poudrières réunies de Belgique
PRIO	International Peace Research Institute, Oslo
PTS	Political Terror Scale
QUNO	Quaker United Nations Office
SALW	Small Arms and Light Weapons
SAS	Small Arms Survey
SDP	Social Democratic Party
SFO	Serious Fraud Office
SIPRI	Stockholm International Peace Research Institute
TCI	Transfer Control Initiative
TIV	Trend-Indicator Value
UK	United Kingdom
UN	United Nations
UNDDA	United Nations Department for Disarmament Affairs
UNGA	United Nations General Assembly
UNIDIR	United Nations Institute for Disarmament Research
UNITA	National Union for the Total Independence of Angola

UNODA	United Nations Office of Disarmament Affairs
UNSC	United Nations Security Council
UNSD	United Nations Statistics Division
US	United States
WA	Wassenaar Arrangement
WFSA	World Forum on the Future of Sport Shooting Activity
WMEAT	World Military Expenditures and Arms Transfers (Project)

CHAPTER 1

INTRODUCTION AND OVERVIEW

In what was meant to be a routine exchange of arms between allies, China attempted to deliver a \$1.245 million shipment of ammunition and explosives to Zimbabwe in April 2008 (Dugger 2008b). What followed was anything but routine. The deal instead sparked an international incident, highlighting the complex dynamics of the often-conflicting security and humanitarian imperatives of conventional arms control today. Originating with a South African investigative magazine, news of “the ship of shame” and its cargo provoked criticism from all corners of the globe. Although South Africa had initially approved the shipment for transport from the port of Durban, the government came under fire in the international community over its apparent willingness to help arm the repressive Mugabe regime. Domestic political groups raised similar concerns, with churches and other civil society organizations condemning President Mbeki government’s decision as amoral and of questionable legality under the South African constitution (Dugger 2008b; Dugger & Barboza 2008; Russell & Wallis 2008). Dockworkers threatened to strike rather than unload the cargo (Dugger 2008b; Dugger & Barboza 2008).

The arms, which had been ordered prior to Zimbabwe’s controversial March 2008 election, arrived just as China was trying to avoid criticism for its own human rights policies in the lead-up to the Beijing Olympics and as South Africa was facing further embarrassment over its apparent appeasement of the Mugabe autocracy (Baldauf & Ford 2008; Dugger 2008b; Dugger & Barboza 2008; Dugger et al. 2008; Russell & Wallis 2008). Reports of repression, violence, and torture in Zimbabwe following the still-contested election added fuel to critics’ charges that the weaponry would be used to crack down on the political opposition (Dugger 2008a; Dugger &

Barboza 2008; Dugget et al. 2008). To save face at home and abroad, South Africa reversed its decision, barred the transport by court order, and sent the Chinese ship back to sea (Dugger & Barboza 2008). As if it carried the plague, governments across Africa began to deny port to the ship and urge others to do the same, with the support of Western powers (AP 2008; Dugger 2008a; Dugger et al. 2008; Reuters 2008). Ultimately, China sent the ship home, unable to find a port and unwilling to face the reputational damage brought on by fulfilling the deal (Baldauf & Ford 2008).

At the time of the attempted shipment, excluding the EU,¹ there were no multilateral arms embargoes on Zimbabwe. Nor are China or South Africa party to any convention that would deny them the rights to supply or transport arms to that African country. In fact, there are no international legal restrictions to bar the sale of conventional weapons to Zimbabwe. And yet, the Chinese frigate never delivered its cargo. Instead, the forces of international pressure and domestic uproar turned the ship around. Even so, efforts to impose a UN arms embargo and other sanctions on Zimbabwe in July 2008 ended unsuccessfully, with South Africa leading a small opposition, despite the support of other African countries. In a surprise move, Russia and China together exercised their veto power, calling the measures “excessive interference in [Zimbabwe’s] domestic matters” (MacFarquhar 2008). For some, the sanctions were seen as outside the UN Security Council’s mandate to deal only with matters of international peace and security. For others, sanctions would have served an important role to protect the domestic populace and reinforce the need for good governance and democracy to ensure regional and international security.

The field of arms control is riddled with contradictions like these. Conventional weapons are the most commonly used tools of war, causing the majority of conflict-related deaths. Yet they are also the category of weapons most resistant to

¹ 2002/145/CFSP

international control. Moreover, it is the major arms-producing states² – now under increased pressure to export to keep their industries afloat – which shoulder the responsibility for restricting the proliferation of these weapons in the interest of peace and security elsewhere. As controls have shifted from securing technological advantage in the Cold War era to conflict resolution and the promotion of human rights, the political tools to accomplish even modest goals of restricting the conventional weapons trade have been limited to transparency and information-sharing regimes.³ Amidst these contradictions, however, another arises: Despite clear economic interests, many governments in major arms-producing states are beginning to endorse more restrictive national and international guidelines for their arms trade.

The Puzzle: Controlling Conventional Arms

Conventional arms are the only category of weapon (legitimately) used since the Cold War and have, until recently, appeared immune from multilateral controls.⁴ For deep-seated reasons of sovereignty, national security, and domestic politics, states have explicitly sought to limit external controls on their transfers of conventional arms. While considerable diplomatic and technical efforts have been made to ban the use and proliferation of nuclear, chemical, and biological weapons, conventional arms went largely untouched until the late 1990s. Since then, numerous initiatives have developed to address the spread of small and major conventional arms alike (see

² In the top 100 arms producing companies in 2005, American companies outpaced the competition with 62.9% of total global arms sales value (including both domestic procurement and exports). Western European companies came in a distant second with 29.4% of sales (SIPRI 2007: 348).

³ There are currently two major international conventional weapons regimes. The Wassenaar Arrangement replaced the now defunct CoCom in 1996 and focuses on member transparency. Similarly, the UN Register of Conventional Arms, established in 1991, provides for the voluntary exchange of trade information (Pierre 1997). See Appendix A for a timeline of post-World War II regional and international conventional arms transfer control initiatives.

⁴ Indeed, one French official referred to conventional arms as the “last area of freedom” in arms control (Interview 60108220),

Appendix A), including the EU Code of Conduct on Arms Exports, the ECOWAS Moratorium, the UN Programme of Action on Small Arms (UNPOA), and the recently established UN process to negotiate an Arms Trade Treaty (ATT).

Of course, most states have long required permits for the import and export of arms from their borders, but such controls have been a distinctly national prerogative, attached to national economic and military security. Multilateral agreements were simply non-existent, and controls that addressed the internal characteristics of recipient states were limited to a select few embargoes. Even talks were few and far between: multilateral discussions in 1977 and 1991 to limit exports to areas of conflict fell apart amidst political distrust and disagreement. The sanctity of national sovereignty (and right of secrecy) for the production and transfer of arms was also enshrined from the outset of European integration.⁵ Within international law, UN Charter Article 51 establishes states' right to provide for their own defense as a fundamental principle of national sovereignty and was held up as justification to export and import arms as determined by national security alone.

Moreover, the trade of conventional weapons often serves as both a standard tool of foreign and economic policy and a symbol of national self-sufficiency and strength. First, trade in conventional arms can signal and effectuate friendship and alliance between states, while simultaneously demonstrating the modernity and independence of the states that import and export them (Cahn et al. 1977; Eyre & Suchman 1996; Moravcsik 1991). Second, sending arms can be a less complicated and less costly form of support for friendly states than sending troops abroad (Kolodziej 1979: 9). Finally, it is also useful to trade arms amongst allies to enhance interoperability for joint military operations.

⁵ Specifically, Article 223 of the 1957 Treaty of Rome protects member states' right to produce and sell arms in the interest of their national security.

For economic policy, arms exports are commonly seen as supporting domestic defense industries, employment, the balance of trade, and general national economic standing. The intimate relationship that often results between the state and defense industry – the military-industrial complex – also encourages exports and export promotion.⁶ With domestic defense budgets rarely sufficient to sustain defense industry production on their own and the revolving door between defense ministries and industries, states have vocally and visibly sought to support industry at home by promoting exports abroad. Past domestic political support for such policies was reinforced by politicians and their constituencies, who relied on jobs and other benefits tied to defense industrial bases in local economies. In times of perceived threats to national security, moreover, politicians and the public were more likely to take a “do what is necessary” attitude to support the defense industry to enable it to survive.

Thus, as Colin Gray (1992) reminds, the deck is stacked against conventional arms control. Even so, states adversely affected by high volumes of conventional arms in circulation – small arms and light weapons (SALW) especially – began in the late 1980s to attempt to bring their problems to international attention. SALW alone are commonly referred to today as “the real weapons of mass destruction.”⁷ The unfettered proliferation of small arms has been linked to social instability, economic underdevelopment, the exacerbation of conflict, and human rights abuses.⁸ Major conventional arms (MCW), too, have been used to perpetuate widespread human

⁶ See Adams (1981); Barnett (1969); Cooling (1981); Dunne (1995); Eisenhower (1961); Hartung (1996); Ikegami-Andersson (1992); Keller (1995); Kolodziej (1979); Kurth (1971); Markusen et al. (1991); Pierre & Conway-Lanz (1994/95); Silverstein (2000).

⁷ Dating back to the mid-1990s, there are simply too many newspaper stories, journal articles, and NGO reports using this terminology to begin to cite it, or even to trace its origins.

⁸ For example: Boutwell et al. (1995); Eavis (1999); Ezell (2002); Goose & Smyth (1994); Harkavy & Neuman (2001); Hartung (2001a); Karp (1993, 1994); Keppler (2001); Klare (1994/95); Klare & Andersen (1999); Klare & Rotberg (1999); Musah (2002); Renner (1997); Sislin & Pearson (2001); Small Arms Survey (2001-2007); Verwimp (2006).

rights violations, contribute to the escalation and extension of conflict, and divert scarce resources in developing countries from social to military spending.⁹

Affected states have not uniformly sought control, of course; concern persists over preserving the ability to procure weapons for national defense and security. Similarly, exporting states have often argued the need to help fellow countries provide for their own defense, as justified under international law. Nevertheless, the adverse consequences for some have led to international advocacy efforts by groups of states, NGOs, and experts to enact common transfer control standards. But why have major exporters become supportive of such efforts in recent years, contrary to past arguments rooted in sovereignty, defense and economic necessity, and foreign policy interests? What has turned the tide, seemingly, in favor of conventional arms control? The answer, I contend, lies in states' concern for their reputations.

Overview of Argument: Reputation in International and Domestic Politics

This dissertation examines the inconsistencies between states' long-standing resistance to formal conventional arms export controls on the one hand, and their growing acceptance of recent initiatives to institute such controls on the other. Many major exporters – such as, France, the United Kingdom, and Germany, among others – now appear to be putting aside past sovereignty concerns in favor of “responsible” arms transfer standards. The question is, why. With defense industry lobbies initially opposed and public opinion largely indifferent, the incentives for so many states to consent to such a dramatic and potentially costly policy shift are unclear. Rather, I argue that states' social interests provide the necessary incentives to adopt new

⁹ For example: Blanton (1999, 2001); Craft (1999); Craft & Smaldone (2002); Maniruzzaman (1992); Neuman (1986, 1994); Tirman (1997); Wang (1998),

standards. I use reputation to explain states' policy choices and link compliance to the potential for domestic backlash if "irresponsible" transfers come to light.

I approach the analysis in two parts. First, I use an original cross-national dataset of small and major conventional arms transfers to examine the correlation between the arms export practices of 22 major supplier states and the internal characteristics of their import partners. Given the dearth of such research on non-US suppliers especially, this analysis provides important and unique insights into the conventional arms trade. The statistics illustrate how – if at all – state practice has changed over the course of the past two decades, as well as the degree to which practice mirrors policy. This, in turn, suggests how entrenched new responsible arms export norms may have become. As I show in Chapter 3, states' export behavior has slowly begun to change, but it is by no means compliant with new transfer norms. Rather than a normative explanation for states' policy choices and export behavior, it is therefore appropriate to turn to explanations based on social and material interests.

Second, I use case studies of five top small and major conventional arms suppliers to uncover the motivations behind states' adoption of new export standards. The case studies move beyond the behavioral component illustrated by the statistical trends to delve into answering the deeper question of *why* states have begun to accept such policies at all. Absent the incentives of security, economics, and public opinion, I argue that concern for reputation in the international community drives some states to adopt responsible arms trade policies but does not similarly motivate compliance with new standards. Because the arms trade is opaque and state actions difficult to observe, a potential gap opens up between policy and behavior. I find that it is only the threat of scandal in domestic politics, brought on by increased transparency and an active pro-control NGO community, that facilitates government accountability and the possibility of behavioral change.

From this point of view, states endorse policies – at least initially – not due to any strong belief in an international norm, but rather as a deliberate decision to establish and preserve their reputation amongst their peers. Most simply stated, a reputation implies a collective judgment of a public image (Bromley 1993), which in turn pertains to how states want to be perceived by external actors (Hatch & Schultz 2000: 23; Whetten 1997: 27). I use interviews, speeches, and other relevant documents to assess concern for public image and how a state sees itself as faring in what might be conceived as a competition “to remain equal” with its peers (Bailey 1971: 19). While other international relations research sees reputation as a tool of effective foreign policy-making – a means to reach desired foreign policy outcomes – here, in contrast, states adopt policies as strategies to advance a desired reputation.

International reputation may inspire states to adopt new policies, but it is reputation at the domestic level, I argue, that compels states to implement them. With public attention to arms transfers absent, decision-makers are often less constrained in their actual conduct of the arms trade. Recent developments, however, have increased the potential for questionable arms transfers to be subject to damaging public scrutiny in democracies. Arms trade transparency measures reveal public information about states’ arms export practices, which, in the hands of NGO watchdogs, has the potential to develop into arms trade scandals. Scandals highlight contradictions between national values and national behavior and harm governments’ reputation and legitimacy among their domestic constituents. Sensitivity to scandals, I find, induces greater export restraint in some governments, to avoid harmful public exposure.

Thus, while reputations are ultimately determined by the perceptions of others, states nevertheless engage in purposive strategies of image management to attempt to

shape these perceptions.¹⁰ They will therefore adopt policies to project a certain image to the public at home and diplomats abroad, in line with their national identity and values. Moreover, when their reputations are called into question and perhaps even threatened, states will adopt new policies to counteract negative claims. Policies chosen to demonstrate or enhance states' reputations are thus rational strategies with social ends, precisely because state identity does matter and is relational. Reputation is, I therefore argue, an important but often overlooked force in both foreign and domestic policy-making for rationalist and constructivist scholars alike.

Historical Overview: Arms Transfers as Political and Economic Tools

The emergence of “responsible” arms transfer standards is a recent international development. Indeed, the character of the arms trade has changed significantly since the end of the Cold War,¹¹ including justifications for arms sales, supplier-recipient relationships, and the efforts to control them. Cold War trends highlight the dominance of the United States and Soviet Union as suppliers and the increasing level of arms sent to the developing world (Brzoska & Ohlson 1987; McKinlay & Mughan 1984). Importing states were typically dependent on supplies from patrons in one of the two blocs, and sales were often blatantly political. Attempts

¹⁰ By way of a recent example, the Austrian government in 2008 expressed concern over a growing image problem connected to negative press over the “horrors of Amstetten,” along with earlier image problems associated with neo-Nazis and its Nazi past. The government has announced its intention to launch an aggressive campaign to restore Austria’s image and reputation in response (Westcott 2008).

¹¹ The end of the Cold War itself created pressures both opposed to and in favor of conventional arms export restraints. On the one hand, the end of the bipolar system greatly reduced the need to use arms to buy allies and influence the balance of power. Multilateral controls in this sense became significantly more feasible, as evidenced by the UN Security Council’s ability to come to agreement on international arms embargoes in many cases. On the other hand, the disappearance of a widespread threat over the two poles of the international system meant reduction in demand for arms at home and abroad. Orders for arms fell worldwide, but surplus was high and goods were cheap. Producers struggled to maintain afloat in such a competitive environment and sought to export to whatever markets might be available. The incentives for multilateral restraints in this sense became impractical and even damaging. The Cold War thus provided an opening for change but could not alone tip the scale in either direction.

to restrain arms transfers were few and focused on overall quantity reduction, not internal regime characteristics. What limited discussions there were, moreover, focused entirely on major conventional weapons, with no attention on SALW.

In contrast, the post-Cold War arms trade early on featured a buyer's market with an increased number of suppliers and supplies competing for a reduced level of demand. As a result, sales became more overtly motivated by economic incentives. Nevertheless, by the late 1990s, national and international policy turned to transfer controls and opened discussions to SALW issues, both on their own and in conjunction with major conventional arms. These controls are also political, but rather than focusing on foreign policy loyalty, they have turned to the internal politics of recipient states. Human rights, conflict involvement, development, and governance have in recent years presented themselves as important factors in arms transfer control debates. The emergence of transparency standards in a trade once ruled by secrecy has led the way for these changes and provided fuel to feed the larger debate about export standards. Thus even as the economic outlook for conventional arms exports has become more difficult, policies to institute national and multilateral controls have become more widely accepted among states.

Superpower Foreign Policy

Andrew Pierre stated in 1982 that “arms sales are foreign policy writ large” (3). This was the predominant view during the Cold War, particularly in the United States and Soviet Union, who dominated the weapons market and used transfers to gain influence among client states in the developing world (Brzoska & Ohlson 1987; Keller & Nolan 1997; Klare 1984; Louscher & Salomone 1987; McKinlay & Mughan 1984; Neuman 1986; Pierre 1982; Stanley & Pearton 1972). The two superpowers were also the super-suppliers and set the tone for the global arms trade. Although the

United States briefly sought a policy of restraint in the late 1970s, decision-makers generally regarded conventional arms as a valuable political tool to be distributed strategically and not to be hindered unnecessarily.¹²

Arms were used to influence the foreign policies of countries, not their domestic politics and practices. Transfers were dependent not on the policies or behavior of the importing regime, but rather its east-west ideological orientation and the maintenance of regional power balances. As Leslie Gelb (1976/77) states, from the US perspective, “the character of the regime was overlooked in view of the overriding importance of stopping communism” (14). Moreover, demands for sales restraint were made in terms of volume and, for the most part, did not address the characteristics of specific recipients. The concern was for the destabilizing effect of “too many” arms exports to the developing world, not specifically “to whom” the arms were being sent.

This is not to dismiss the rare attempts to link arms transfers to conditions inside the recipient country. However, these too were undermined by Cold War politics and the overriding pressure to use arms to win friends and influence global affairs. Two examples in particular stand out. First, the UN arms embargo against South Africa was established as a voluntary embargo in 1963 and made mandatory in 1977.¹³ The embargo was intended to isolate the Pretoria regime, denounce the practice of apartheid, and ultimately lead to a change of government policy. However, it was not strictly implemented or enforced (Catrina 1988: 142-4). A few states, such as Israel, continued to help South Africa with weapons development. The United States itself was accused of exporting spare parts for military use (AP 1984) and

¹² Both US and Soviet arms transfers were also thought to have economic benefits, but their primary motivation was nevertheless political (Pierre 1982). In particular, arms were a significant part of Soviet foreign trade, though the Soviet Union supposedly did not seek financial advantages from its arms exports (Brzoska & Ohlson 1987: 43).

¹³ The UN embargo, established by UNSC Resolution 418, was one of the few mandatory sanctions during the Cold War and was lifted in May 1994.

turned a blind eye to some cases of technology acquisition and defense trade to enable monitoring of Soviet activity in the region (Klare 1981; Phythian 2000a: 3-4).

Second, the Carter Administration sought in the late 1970s both to limit US arms exports and to link them to human rights practices abroad. In Presidential Directive-13 (PD-13), Carter not only set out guidelines to limit the spread of weapons and military technology, but also indicated “that human rights violations would be an important consideration in the [arms sales] decision-making process” (Brzoska & Pearson 1987: 57). The new policy came in response to Congressional and public pressures to reduce arms sales in light of what Gelb (1976/77) condemned as the Nixon and Ford Administrations’ “apparent policy of selling virtually anything to anybody” (3). Arms sales had, in fact, increased fourteenfold between 1970 and 1975 and became an issue for the Carter campaign in the 1976 election (Pierre 1982: 46).

Carter’s goal was to set an example for other suppliers through unilateral US restraint, but controls were inconsistently applied and disagreements within the US bureaucracy and defense industry ultimately stymied their implementation. PD-13 was considered a failure from the start (Ball & Leitenberg 1979; Brzoska & Pearson 1987; Durch 2000: 2; Hartung 1993; Hoffmann 1977/78; Johnsen 1977; Pierre 1982; Spear 1995). In fact, while it was credited for providing a systematic framework for US arms sales, exports actually increased under Carter (Pierre 1982: 58-59; Wentz 1987/88: 351). In addition, the practice of case-by-case flexibility to support “indispensable” nations, criticized Stanley Hoffmann (1977/78), ultimately “made the policy of [the Carter] administration look not so different at all from that of the previous one” (19-20). Even worse, it undermined US credibility at home and abroad. Similarly, the 1977-78 “CAT-talks” with the Soviet Union to seek multilateral restraints fell apart as a result of disagreements, both within the Carter Administration and between US-

Soviet policies, over transfers to “critical regions” (Catrina 1988: 130-1; Durch 2000: 159; Hartung 1993: 60; Pierre 1982: 288-9; Wentz 1987/88: 362).

President Reagan took office in 1981 and immediately rejected PD-13 in favor of an explicit return to “the use of arms sales to counter the Soviet challenge” (Wentz 1987/88: 352). Military aid and arms transfers were actively and openly used as “a key instrument of American foreign policy” and “an essential element of the U.S. global defense posture” (Pierre 1982: 62; Catrina 1988: 83; Phythian 2000: 6). In shifting the policy emphasis, the Reagan Administration also removed any general principles or specific guidelines for arms export decision-making. As before the Carter Administration, human rights were absent from the discussion and little interest in limiting exports was demonstrated (Pierre 1982: 63).

Economics Driven Arms Exports

With the United States and Soviet Union dominating the global arms market in a geopolitical game, secondary suppliers – primarily in Europe, though production capacity spread in the 1980s – were left “to sell arms primarily for commercial purposes” (Harkavy 1994: 20; Catrina 1988: 93; Durch 2000: 10). European and other second-tier producers, such as Brazil and Israel, sought to export arms to support their national arms industries and boost domestic economic performance. Thus while still bound to their blocs, their motivations were for the most part economic: balance of payments, employment, and reduction of production costs (Catrina 1988; Taylor 1994: 100-4; Pierre 1982: 24, 27; Snider 1984; Stanley & Pearton 1972; Wentz 1987/88: 372). While the hard facts of claims of the economic benefits of arms transfers have often been questioned,¹⁴ smaller domestic markets for defense goods led at least to the

¹⁴ See, for example: Chalmers et al. (2002); Felice (1998); Hartley & Marting (2003); Hartung (1996); Ingram & Isbister (2004); Jackson & Southwood (1995); Levine et al. (1997); Martin (1999); Mayhew (2005); Mintz & Huang (1991); Neuman (1994); Pierre (1982); Taylor (1980); Wentz (1987/88).

perception that exports were necessary to maintain a viable domestic defense industry (Brzoska & Ohlson 1987: 129; Catrina 1988; Durch 2000: 10; Snider 1984).

Politics were still present, of course, but the main concern was less for East-West competition as it was inwardly focused on the viability of the arms industry and the economic benefits from a healthy arms trade abroad. The debates within COCOM in this sense are telling. While the United States sought restraint with arms and technology transfers to the Eastern Bloc, it struggled to make its West European allies adopt its practices of economic containment (Mastanduno 1988, 1992a). Instead, as Michael Mastanduno (1988, 1992a) argues, West European states preferred to maintain trade links with their Eastern neighbors.

The end of the Cold War simultaneously intensified states' economic motivations to promote arms exports and reduced their political utility (Gold 1999: 250; Kapstein 1997; Pierre & Conway-Lanz 1994/95).¹⁵ Arms exports became "split off from prevailing patterns of political alignment" and instead followed a "largely commercially based" rationale (Harkavy 1994: 26, 28; Anthony 1997: 15; Brzoska 2004: 121; Durch 2000: 25; Keller & Nolan 1997). Global arms availability and production capacity were more widespread than ever before. Second-hand goods were readily accessible and in high supply, while companies were over-producing new arms as they struggled to adjust to the new post-Cold War security environment (Bitzinger 1994: 173; Gold 1999: 253-4; O'Prey 1995: 8-9). Moreover, demand shrank in both domestic and international defense markets (Neuman 1993; O'Prey 1995: 5-10; Pierre & Conway-Lanz 1994/95). Sales declined across the board, while exports – for states

¹⁵ There are exceptions, of course. Taiwan has been a continual sticking point for US-Chinese relations, and US arms transfers to Taiwan continue to be seen in a political light by the Chinese. For example, the P5 talks in 1991-1992 to restrain arms exports to the Middle East fell apart when France and the United States insisted on selling arms to Taiwan, despite protests from China (Durch 2000: 163; Goldring 1993; Pierre & Conway-Lanz 1994-95; Spear 1994: 98).

from both of the former blocs and elsewhere – were increasingly considered a necessity for the survival of arms industries, themselves an important component of national defense and economic security (Bitzinger 1994: 174; Cornish 1995; Gold 1999; Kapstein 1997; Pierre & Conway-Lanz 1994/95; Wulf 1993).

Consequently, arms transfer trends in the 1990s illustrate an industry in decline, both in the number of production orders and the value of goods exported (Anthony 1997; Kapstein 1997; Neuman 1993; O’Prey 1995: 6-7; Wulf 1993). Thus although the disappearance of ideological blocs in the post-Cold War security environment may have opened up the political space to pursue multilateral conventional arms control, economic incentives amidst a high level of supplier competition for many years proved stronger (Goldring 1993, 1994/95; Phythian 2000: 21). Indeed, even as the Persian Gulf War in 1991 highlighted the potential destabilizing risks of unrestrained arms transfers, international responses did not venture beyond transparency initiatives.¹⁶ The one conventional arms export control regime, COCOM, itself did not last much longer. As it lost its purpose and faded away, its replacement – the Wassenaar Arrangement (WA), instituted in 1996 – was created solely as a transparency mechanism and lacked the support to introduce multilateral controls on the post-Cold War arms market.

“Responsible” Arms Transfers

Hidden behind this economic dimension of the arms trade, the political relationship between arms transfers and foreign policy nevertheless began to change. In the absence of a superpower rivalry, it reemerged by the late 1990s as an issue of state responsibility and an obligation to deny transfers to certain types of recipients.

¹⁶ The UN Register of Conventional Arms and the Wassenaar Arrangement are the two major outcomes of this trend.

Human rights, governance, development, and conflict were suddenly no longer either peripheral concerns or reasons to justify weapons transfers, but rather fundamental grounds to exercise restraint. This is, in part, relates to a broader post-Cold War trend putting human rights and humanitarian issues, as well as development, governance, and democracy building, in the global spotlight. Whether this is an outcome of a genuinely new movement by states to infuse ethics and morality into their foreign policies can be debated (Dunne & Wheeler 2001; Gelb & Rosenthal 2003; Smith 2001; Wheeler & Dunne 1998).¹⁷ However, the increased attention to these issues is undeniable, as is the increased attention to norms of international behavior to accompany them. In the pursuit of these political agendas, direct and indirect connections to the arms trade have been made, linking an issue once the sole domain of hard security to a broader economic, social, and human security problematic.

Instead of categorizing all arms exports as good, bad, or necessary, as had previous rhetoric and advocacy, the international community adopted a more nuanced perspective. States began to appreciate a practical and symbolic foreign policy utility in the selective denial of arms, based on a recipient's internal policies and practices. In contrast to the *Realpolitik* of past arms sales rationale, the trend in the 1990s and beyond has introduced "an other-directed or morally based philosophy of restraint [emphasizing] the character and behavior of recipient governments toward their own people and within their security complex" (Durch 2000: 152). As a result, supplier states have been faced both with continued economic pressures to export arms and new political pressures to be more discerning in their export decision-making as a reflection on themselves and their membership in the international community.

¹⁷ It can also be argued that foreign policy has always been an expression and tool of a state's values and ethics and that all that is new here is the explicit articulation and labeling by some states of their foreign policy as "ethical." This debate has been most prominent under the Labour Party in Great Britain since 1997.

Four key developments in the 1990s pushed the need for arms trade restraints into the policy spotlight and created new expectations for arms transfer policies. These changes provided an opportunity to pursue conventional arms transfer controls. However, the accompanying shift in expectations for appropriate policy provided the motivation for many exporting states to make dramatic domestic and foreign policy changes regarding their conventional arms transfers. As I show in the chapters to come, states' concern for reputation combined with these developments have set the stage for the widespread emergence of "responsible" conventional arms export standards.

First, the 1991 Persian Gulf War put many coalition soldiers face-to-face with weapons sold to Iraq by their own countries during the 1980s (Keller 1995). This blowback¹⁸ experience taught a clear cautionary lesson for future arms exports in the interest of military security and self-preservation. The primary result was the creation of the UN Register of Conventional Arms (Durch 2000: 151, 179; Neuman 1993) and the subsequent development of international norms of arms trade transparency, in hopes of providing an early warning mechanism of excessive arms build-ups (Goldring 1994/95; Laurance et al. 2005). It also brought on a number of domestic scandals in the mid-1990s for secretive sales of arms and defense technology to Iraq during the previous decade, embarrassing states and revealing their poor control over their arms trade. While no measure of arms trade restraint emerged from the political aftermath of the 1991 Gulf War, states did improve transparency and, over time, began to reform national legislation and look toward multilateral policy solutions.

¹⁸ According to Chalmers Johnson (2000), the term "blowback" originates in the CIA and "refers to the unintended consequences of policies" of covert or other military foreign operations (8), the consequences of which are contrary to American foreign policy or security interests. Johnson argues, "Arms sales are, in short, a major cause of a developing blowback world whose price [America has] yet to begin to pay" (89).

Second, the increased visibility and number of civil and ethnic conflicts immediately following the Cold War – and especially high profile conflicts in Rwanda and the former Yugoslavia – highlighted problems associated with SALW, as well as a need for multilateral export controls.¹⁹ Policymakers began to rely increasingly on arms embargoes to address this need, instigating a vigorous debate on the utility of arms embargoes and the willingness of states to adhere to them.²⁰ In the context of these conflicts and the reconstruction efforts to follow, problems associated with SALW proliferation – an issue that had been passed over throughout the Cold War – came to the forefront of the international agenda (Karp 1994; Klare 1994/95; Sislin & Pearson 2001). Research and reports from NGOs and academics spread, pointing not only to the contribution of SALW in exacerbating conflict and insecurity, but also expanding the problem to their role in development, human rights, and governance.²¹ States adversely affected by SALW proliferation also began to push the issue within the UN and regional organizations.²²

Third, the success of the International Campaign to Ban Landmines (ICBL) and the Ottawa Treaty broadened scope of the international security dialogue to include human security and introduced the possibility of pursuing arms control based on humanitarian issues (Eavis 1999; Garcia 2006; Lumpe 1999a). Although it must be

¹⁹ See for example: Bondi (2001); Eavis (1999); Goose & Smyth (1994); Hartung (1995, 2001a); HRW (2003); Human Security Centre (2005); ICRC (1999); Karp (1994); Klare (1994/95); Misol (2004); Sislin & Pearson (2001); Wezeman (2003).

²⁰ See for example: Brzoska (2001); Control Arms (2006); Durch (2000); Fruchart et al. (2007); Goose & Smyth (1994); Gottemoeller (2007/08); Hufbauer (1998); Hufbauer et al. (1990); Kirkham & Flew (2003); Naylor (1999); Neuman (1994); Pape (1997); Phythian (2000a); Sislin & Pearson (2001).

²¹ For a selection, see Blanton (1999, 2001); Boutwell & Klare (1999); Boutwell et al. (1995); Control Arms (2003); Craft & Smaldone (2002); Dhanapala et al. (1999); Epps (2007); Frey (2004); Goose & Smyth (1994); Harkavy & Neuman (2001); Hartung (1995); HRW (1999, 2003); Human Security Centre (2005); ICRC (1999); Jackson & Southwood (1995); Karp (1993, 1994); Keppler (2001); Klare (1984, 1994/95); Klare & Andersen (1996); Klare & Roberg (1999); Maniruzzaman (1992); Misol (2004); Muggah & Berman (2001); Neuman (1994); SAS (2001-2006); Sislin & Pearson (2001); Smith & Tasiran (2005); Thurin (2007).

²² Colombia introduced UN resolutions in 1988 and 1991, prompting a string of research missions, reports, recommendations, and guidelines. Garcia (2006) provides a historic overview.

noted that a ban on anti-personnel landmines is not wrapped up in the same degree of political complexity of controlling broad categories of conventional weapons,²³ its international momentum helped to galvanize more comprehensive conventional arms control efforts. The widespread acceptance of the Ottawa Treaty legitimized the pursuit of arms control based on its relationship to societal security, individual wellbeing, and humanitarian obligations. This in turn contributed to the mandate behind SALW initiatives in particular (HRW 1999; Lumpe 1999a) and evolved into widespread international support for the ATT process at the United Nations.

Thus, the marriage between traditional security and human security begun by the landmine campaign has given new, multifaceted dimensions to arms control and created a broad (though not total) consensus on “good” conventional arms policy linked to humanitarian concerns. This shift was especially critical in convincing non-affected states to endorse humanitarian or “responsible” export policies. Based on their experience with the Ottawa Treaty, states saw the reputational benefit – at home and abroad – of being seen on the “right side” of multilateral arms control issues, a perspective that has carried over into various regional and international initiatives on SALW and conventional arms as a whole.

Finally, and related to the success of the ICBL campaign, the growing role of NGO advocacy in international affairs contributed to the forward movement of arms transfer controls in national legislation and international policymaking. NGO research

²³ In contrast to SALW or all conventional arms, anti-personnel landmines are a discrete category of weapon with slight economic importance and limited military utility. They are also by nature indiscriminate and thus more susceptible to the argument that they should be fully banned on humanitarian grounds. The politics of small and major arms is considerably more complex: They are broad categories of weapons with a central and legitimate place in the provision of national and international security, intimately connected to national sovereignty. Moreover, they have a significant worldwide economic base. Finally, unlike landmines, there are groups advocating both the control of conventional arms, but also deregulation or a more hands-off approach. An outright ban is therefore impossible, making international agreement much more difficult, political debates more nuanced, and the creation of a simple and clear public campaign a challenge. See Garcia (2006) for a comparison summary of landmines and SALW (26). See also Brem & Rutherford (2001) and O’Dwyer (2006).

provided a knowledge base to back-up the political claims behind the need to control the arms trade (Garcia 2006). NGOs have also both pushed and partnered with states to advance arms trade controls in domestic and international politics alike, as will be discussed in later chapters. By campaigning for and supporting governments' domestic and foreign policy efforts to pursue new arms trade regulations, NGOs have played a key (although not necessarily lead) role in developing and promoting the arms export control agenda (Garcia 2006). In addition, NGOs have been able to use improved arms trade transparency to hold states accountable to their policy commitments (Misol 2004). These commitments – to values of human rights, peace, and stability, and more narrowly to the conduct of the arms trade – are clearer now than ever before, as national legislation and multilateral agreements have grown up in the past ten years.²⁴ The arms trade has thus become a reflection of the values of states themselves, their associations with other states, and how well they respect and promote the norms of the international community (Misol 2004).

Despite this growing interest in a responsible arms trade, the link between arms transfers and a “moral” or “responsible” foreign policy is not a new one. The 1976 Carter presidential campaign made the most explicit connection, charging that unrestricted arms transfers were contrary to US principles and morally bankrupt (Pierre 1982: 45). Andrew Pierre (1982) similarly argued that the inclusion of human rights in arms transfer decision-making was in part a moral concern, which democratic governments “cannot or ought not overlook” (31). The difference is that the current trend is not a short-lived political debate in one country, but rather an active worldwide discussion with both domestic and international policy dimensions and

²⁴ Regional agreements are the most common. A short list includes the OAS Inter-American Convention (1997); the ECOWAS Moratorium in East Africa (1998); the EU Code of Conduct in Europe (1998); the Nairobi Declaration in the Great Lakes Region and Horn of Africa (2000); the Brasilia Declaration in Latin America and the Caribbean (2000); the OAU Bamako Declaration (2000); and the Colombo Declaration in South Asia (2001). See Appendix A for more details.

concrete results. In contrast, Carter's position failed to substantively affect the practices of even his own administration and remained a unilateral initiative, criticized as inconsistent and divorced from international realities (Hoffmann 1977/78; Kearns 1980). Certainly, in the past decade, the rhetoric of the global arms trade has changed noticeably, and along with it, national, regional, and global initiatives have begun to set out agreed upon standards to guide the arms trade. This dissertation answers important questions of why these changes have taken place and to what effect.

Methods and Case Selection

A Multi-Method Approach

This dissertation deliberately employs both quantitative and qualitative methods.²⁵ Indeed, much as the explanation it offers stretches across theoretical boundaries, the nature of the question itself also demands a more eclectic methodological approach. That is, although the issue of *why* states adopt "responsible" arms transfer standards requires an in-depth examination of domestic and international political dynamics, it relies in part on knowing the answer to *how well* states implement those standards. As King, Keohane, and Verba (1994) state, "[T]he development of good causal hypotheses is *complementary* to good description rather than competitive with it" (45). The first issue is naturally geared toward a qualitative case study process-tracing methodology, while the second begs for a large-N analysis of complex trends made possible by statistical techniques. This combination of methods, in turn, "increase[s] inferential leverage" and provides at once a general description of state behavior over time and a close analysis of the pressures at work behind these trends in policy and practice (Tarrow 2004: 174). In doing so, Evan S.

²⁵ For in-depth discussions on the trade-offs between qualitative and quantitative research, see Brady and Collier (2004), who, together with Jason Seawright, argue that "diverse methodological tools will always be relevant to any substantive problem" (Collier et al. 2004: 226).

Lieberman (2005) argues, the multi-method approach “aims to improve the quality of conceptualization and measurement, analysis of rival explanations, and overall confidence in the central findings of the study” (435).

The statistical chapters provide a broader understanding of the relationships between variables affecting the global arms trade and the degree to which new standards change supplier practices. I use cross-sectional, time-series OLS and logistic regression models to describe the relationship between small and major conventional arms exports and the characteristics of recipient states. To do so, I compile a new Arms Trade Dataset, consisting of dyadic export data for small and major conventional arms deliveries from 1981 to 2004. In addition to existing variables for recipients’ conflict involvement, alliances, human rights conditions, democracy, and other characteristics (see Appendix B), I code an arms embargo variable to add an important dimension of legal controls to the analysis. Although such research cannot explain or confirm causal processes, it can accommodate a larger population of cases to illustrate whether arms trade behavior has changed over time and in what ways.

This represents new ground in arms trade research: First, those quantitative analyses that do exist focus largely on the behavior of the United States (e.g., Blanton 2005). While this is certainly important, it is also possible that the United States’ dominant supplier status and exceptional arms transfer policy in multilateral fora make it a poor representative for emerging trends elsewhere. As a result, I analyze the behavior of 22 top supplier states to obtain a broader view of arms export trends over time. Second, existing research typically examines all conventional arms export behavior as a lump sum or simply looks at major conventional weapons export trends. However, since the political processes and policies attached to SALW and MCW have been quite different until recent years, it is both more accurate and more enlightening to analyze the trends of each individually. Third, measures of existing supply

constraints have long been lacking in quantitative arms transfer research (Harkavy & Neuman 2001: 272; Smith & Tasiran 2005). Yet, clearly the question of whether and to what extent arms embargoes can alter supplier practices is an important one in its own right and for the research project at hand. Finally, it uniquely uses large-N statistical analyses to test the influence of norms on state behavior, as means to “demonstrate general patterns of state compliance” and “substantiate claims that norms influence behavior” (Klotz & Lynch 2007: 17, 18).

Big States with Big Stakes

The case studies of major exporters in Chapters 5 and 6 move beyond the overview of behavior provided by the statistical analysis to examine in-depth states’ rationale for adopting “responsible” export standards. Case studies, according to Harry Eckstein (1975), “compensate for less range by gains in depth” (122) and “are valuable at all stages of the theory-building process” (80; see also Alexander & George 2005; Gerring 2007). By examining the political dynamics of arms transfer policy in five major supplier states, I can explore similarities and differences of motivations for supporting or opposing new standards that would not otherwise be possible (Ragin 1994: 78-9). Using interviews with key players in the policy-making process – government officials, industry representatives, and NGO and advocacy groups – in combination with news, government, and advocacy reports, I am able to trace the processes within cases by which new standards transform from resisted to accepted in domestic and international political debates.²⁶ This method enables a systematic attempt to identify the causal mechanisms connecting the independent variables to the outcome in question (George & Bennett 2005: 206; Gerring 2007: 45).

²⁶ Klotz and Lynch (2007), for example, recommend research on both levels of analysis in order to trace more thoroughly “the spread of norms across state boundaries and into societies” (95).

TABLE 1.1. Top Five Conventional Arms Suppliers

Supplier	SALW Supplier	MCW Supplier	Support for Transfer Controls 2001-2006 ²⁷
Belgium	Top 5	Top 20	Yes
France	Top 20	Top 5	Yes
Germany	Top 5	Top 5	Yes
Italy	Top 5	Top 20	Yes
Russia	Top 5	Top 5	No/Abstains
United Kingdom	Top 20	Top 5	Yes (Lead State)
United States²⁸	Top 5	Top 5	No

Note: Cases included in the analysis are shaded.

The selection of cases is non-random, based on two characteristics thought to influence the likelihood of states' support for new multilateral export standards.²⁹ First, all cases selected for the analysis are established democracies. As such, they are "most-likely cases" for the adoption of norms-based "responsible" export criteria. Many scholars have found that democracies have a common commitment to international law and norms of human rights (Burley 1992: 1919; Helfer & Slaughter 1997; Simmons 1998). As states more tied into the laws, norms, and values of international society, domestic and international expectations alike suggest democracies' support for multilateral initiatives. Indeed, if democratic suppliers were *not* signing on, the chances of non-democratic suppliers doing so would presumably be slim to nothing. Even among democracies, supplier state acceptance is widespread

²⁷ Transfer controls on SALW have been debated but not passed in the UN small arms conferences since 2001, which run by rules of consensus. The United States, Russia, and China have opposed the move, which has been supported by European exporters, Canada, and others. The Arms Trade Treaty gained the support of the United Kingdom in 2004 and other European exporters in 2005. The United States continues to oppose the initiative, while Russia and China have abstained from voting.

²⁸ The United States was the only state to vote "no" on the 2006 UN General Assembly vote to initiate the Arms Trade Treaty process. 24 other states abstained, including Russia and China.

²⁹ Although Geddes (1991) cautions against selecting cases on a non-varying dependent variable for fear of biased results – a possible problem for researchers of international norms, who expect norms to exert similar effects across cases (Finnemore 1996b) – Munck (2004) notes the possibility of "matching cases on independent variables," which "serves the same purpose as statistical control" (104).

but not complete: The US in particular has been vocal in its opposition to shared standards of export control, a divergence in trends the case studies later explore. Thus, I hold regime type constant at democracy across the cases to explore the reasons behind these states' policy choices, under the assumption that democracies would be most susceptible to international and domestic pressure to adopt new policies.

Second, among democracies, the states chosen are all “big” exporters of small or major conventional arms (both in two cases), making the top five supplier lists regularly according to Small Arms Survey and Stockholm International Peace Research Institute (SIPRI) annual data. These states have clear economic incentives *not* to support such initiatives, and yet show variation in the principle outcome: support for responsible export controls (see Table 1.1). While states adversely affected by “irresponsible” arms exports have much more direct incentives to seek some degree of controls over supplier state activities,³⁰ major exporter states are rarely also affected states. As such, they lack a direct interest in imposing external standards on their own behavior, especially when such standards could restrict business and prove damaging to their defense industries. These top suppliers also have a larger material stake in preventing such controls than do other democracies with lower levels of arms exports, for whom policy support is a low- to no-cost decision.³¹

Dissertation Outline

The structure of the dissertation reflects the dual nature of the question it asks: Why do states adopt “responsible” arms export policies and to what extent are they

³⁰ Costa Rica and Mali, for example, were early leaders in international SALW controls due to their own negative experiences.

³¹ ATT lead state Finland, for example, ranked at approximately 30 for major conventional arms exports between 2001 and 2006, according to SIPRI (2007: 422). Lead state the UK, in contrast, has been in the top five exporters since the 1970s and announced the initiative to expand the ATT project from SALW only to all conventional weapons.

putting these policies into practice? Following a detailed introduction to the theoretical argument in Chapter 2, in which I explore the influence of reputation in international and domestic politics, the dissertation proceeds in two empirical parts. First, I examine broad trends in the practices of 22 top conventional arms suppliers, using a dataset of small and major arms exports constructed for this project. While conventional arms control is now firmly placed on national and international policy agendas, it is unknown whether and how states' behavior may have changed as a result. Statistical trends in SALW exports have largely been ignored by the literature, which has focused on the United States, often at the expense of cross-national research. In Chapter 3, I analyze the "business as usual" of conventional arms transfers. I use logistic and OLS regression to uncover the effect of human rights conditions and internal conflict involvement of importing states on their receipt of conventional weapons. I find that suppliers' implementation of new export standards is superficial at best. While their practices do appear to become generally "less bad" over time, they can by no means be classified as "good" or "responsible."

In contrast to the trends in Chapter 3, Chapter 4 focuses explicitly on the effects of politically- and legally-binding regimes on export state behavior. In particular, it seeks to uncover the ability of UN and other legally-binding arms embargoes on the transfer of conventional arms. While scholars have hotly debated the utility of sanctions in achieving their policy goals, suppliers' compliance with arms embargoes has often been doubted but never broadly investigated. To do so, I code a new arms embargo variable as a key element to the Arms Trade Dataset. Contrary to "embargo busting" arguments, I find that arms embargoes have a consistently significant *negative* effect on arms transfers in the post-Cold War era. This points to the importance of legal restraints in enhancing compliance and suggests that the failure of arms embargoes to induce behavioral change in target states may stem from

reasons other than the embargo busting practices of suppliers. Yet aware of the power of legal embargoes – and their poor compliance with non-binding restraints to date – states’ moves to legalize multilateral standards becomes all the more puzzling. The effects of politically-binding regimes, in contrast, are limited to the most clear-cut cases of “irresponsible” arms exports. I argue, in turn, that the clarity of states’ commitments helps domestic actors hold them accountable to new export standards.

The second half of the dissertation takes on this “why” question by examining the international and domestic political pressures behind arms transfer policies in case studies of five top conventional arms suppliers: Belgium, France, Germany, the United Kingdom, and the United States. Chapter 5 examines in detail the international pressures and motivations for states to adopt “responsible” standards of export control. Image and reputation, I find, are important to diplomats as they develop their country’s foreign policies. I argue that it is this concern for their reputation of “good international citizenship” among their peers in the international community that propels states to adopt policies they might not otherwise consider. In particular, for those states deeply embedded in the international community and reliant upon their international status as a part of their national identity and values, the choice of policies to reinforce – and sometimes mend – their social reputation is as much a strategic one as a normative one, if not more.

Chapter 6 then brings the debates closer to home and considers alternative domestic politics explanations for states’ adoption of “responsible” arms transfer policies. I show that domestic politics has difficulty accounting for states’ policy choices in the international arena. Indeed, states sign on to new arms control initiatives *in spite* of strong domestic defense industry economic interests and a lack of public concern across domestic structures. Yet I also show that a latent fear of adverse public reaction to potentially controversial arms export decisions can cause states to exercise

greater caution in choosing their import partners. Arms trade scandals can damage the reputation and legitimacy of governments among their domestic constituents. It is therefore with the onset of arms trade transparency measures and the growth of NGO watchdog communities, I argue, that states' scandal sensitivity increases and can begin to translate into more "responsible" arms trade practices. Thus, while pressure on states' international reputation encourages them to adopt new policies, it is domestic accountability and the pressure on their reputation at home that encourages them to implement their policy commitments.

The dissertation concludes with reasons for both pessimism and optimism for the prospects of conventional arms control – fitting for such a contradictory field of policy and research. On the one hand, I show that arms transfer behavior is hard to change and that state practice continues to defy the expectations set forth by state policy. Even in those states with a reputation for being leaders in the international community and the most compliant with international law and norms, change takes place on the margins, where the consequences of bad policy choices threaten to be the most severe. On the other hand, the reasons for optimism are equally strong. States once hostile to setting shared standards of export controls are now leading the international community in an onslaught of new initiatives. The effect has snowballed in the past ten years, with numerous regional and international control agreements developed or in the works (see Appendix A). SALW alone have gone from a peripheral issue at best to a widely acknowledged policy concern, and earned a prominent place on the global political agenda in the process. As I show in the chapters to come, the effects of policy commitments in international fora combined with democratic accountability in domestic politics can begin a dynamic in which supplier states implement policies designed to enhance security and human rights outside their own borders and around the world.

CHAPTER 2

“RESPONSIBLE” ARMS TRANSFER POLICY AND THE POLITICS OF SOCIAL REPUTATION

Why have states – major exporters of conventional arms especially – begun to endorse, pursue, and adopt new national and multilateral standards of conventional arms transfers? Until the mid to late 1990s, conventional arms sales remained the prerogative of national foreign and economic policy. States pushed away multilateral efforts to control trade and, for the most part, divorced national policy from any constrictive international norms or standards. Indeed, while the years immediately following the end of the Cold War were seen as full of potential to institute a transfer control regime,¹ the prospects faded soon after “in the face of desperate competition between supplier states for a share of the...dwindling international market” (Spear 1994: 99; Mussington 1994). With the often-close relationship of governments and defense industries, along with enduring concerns for state sovereignty and security, such a stalemate was hardly surprising.

Whether arms were used as tools of foreign policy to influence allies, or to support domestic economic interests, the internal characteristics of importing states were until recently a concern of only a handful of suppliers.² In 1996, controls related to human rights conditions, internal and regional stability and peace, democracy, and development were absent from international discussions and most national policies. SALW, too, had barely made an entrance on the international arms control agenda. Yet by 2006, numerous regional and international agreements on SALW and

¹ Cornish (1995, 1997); Goldring (1994/95); Kemp (1991); Klare (1991); Jones and Rees (1994); Neuman (1993); Nolan (1991); Pierre (1997); Sadowski (1993); Spear (1994); Tirman (1997).

² During the Cold War, only West Germany and the European neutrals sought explicitly to limit transfers to areas of instability and conflict. The United States under President Carter also had a policy (followed loosely at best) to prohibit exports to human rights violators.

conventional weapons more broadly had been reached or were in the works (see Appendix A). Moreover, major suppliers had adopted new standards of “responsible” conventional arms exports at the national level, taking into consideration the internal characteristics of their import partners, and were promoting such standards in multilateral fora. These processes and initiatives have culminated in the overwhelming 2006 UN vote to begin negotiations on an Arms Trade Treaty (ATT) establishing international legally-binding arms transfer standards.³ Democracies, in particular, have been faced with growing domestic and international expectations that export policy and export practice take into account the human rights records, conflict involvement, and stability of their import partners. This chapter proposes a theory of state behavior that highlights the importance of social reputation to explain this dramatic shift and demonstrates the importance of transparency as a mechanism of accountability in transforming policy into practice.

The Argument in Brief

Major exporter states have neither security nor economic incentives to adopt “responsible” arms transfer policy. Rather, I contend that states support new arms transfer standards in order to maintain (or, in some cases, better) their reputations as “good” members of the international community on the “right side” of conventional arms control. However, it is only with the gradual increase of arms trade transparency linked to domestic accountability that states may begin to make a concerted effort to alter export practice to abide by new standards. The argument proceeds in two parts. First, at the international level, states deeply embedded in the international community

³ UN General Assembly Resolution A/61/394 passed by a vote of 153 to one (the United States) on 6 December 2006. There were 24 abstentions, most notably Russia and China. After an unprecedented 98 response to the Secretary General’s call for views of states on an ATT in 2007 (instead of the usual 10-15 for similar exercises on other issues), a Group of Governmental Experts (GGE), step two required by the resolution, met in 2008 to recommend a draft treaty for negotiation.

and its institutions are often compelled by reputation or image concerns to adopt certain policies to maintain their status among their peers. As expectations for “good” conventional arms control policy have developed to link arms transfers to humanitarian issues, so too have the related standards by which states judge their status in the international community. These social pressures are particularly strong within the community of democratic states, the focus of study in this dissertation.

States therefore adopt and pursue new arms transfer restraints not out of a commitment to any new norms but instead out of a desire to establish or maintain their reputations – collective judgments of their public image – amongst their peers. By accepting and promoting certain policies, they seek to be seen as possessing the qualities of good international citizenship associated with humanitarian arms control and export restraints rooted in international norms of peace, stability, and human rights. These states respond to social incentives, and benefit not in the form of profitable agreements, but rather in the form of social standing in a deliberate strategy to contribute to the formation of their external image and influence.

As the statistical analysis will later show, however, such policy changes can easily be more rhetorical than substantive. Indeed, while states’ positions on new policies are available for all to see, their arms trade practices are more easily hidden from view. In the relatively secretive domain of the conventional arms trade, states can reap the reputational benefits of adopting “responsible” arms export policies without necessarily paying the costs of diligent implementation. The resulting policy-practice gap is therefore rarely punished in international politics. The second part of the argument finds that policymakers in democracies are more likely to pursue changes in export behavior (not “just” policy) when confronted by arms export scandals on the home front. Scandals link reputation to domestic politics by simultaneously damaging

internal and external image⁴ and highlighting the apparent violation of fundamental societal values. While arms trade scandals rarely swing elections, they nevertheless can exercise a powerful effect in democratic politics by eroding the image and legitimacy of leaders in the eyes of their constituents and fellow decision-makers. This, in turn, provides an opening for leaders – or presumptive leaders – to visibly compensate with new legislative proposals and more cautious export practices.

As long as arms trade behavior remains relatively opaque, it can only minimally affect the reputation of a state and its leaders. Without clear information about a state's arms trade activity, practice cannot be distinguished from policy and the threat of scandal remains low. However, as arms trade transparency measures increase, discrepancies between policy and practice are less easily hidden, increasing states' scandal sensitivity and reducing their ability to appear good and virtuous. Thus, it is only with the onset of transparency measures and the accompanying growth of scandal sensitivity that arms transfer behavior may conform more closely to new standards – at least in clear-cut cases of norm violation. These developments are more prominent in democracies, where transparency and accountability are valued as norms of governance and where civil society can mobilize to call errant governments out on behavior that contravenes both stated policies and national values. This suggests that engagement by civil society in domestic and international politics, further developments in transparency, and ongoing discussions among diplomats may over time lead to more standard-compliant transfer behavior.

⁴ In other words, scandals undermine states' internal or self-image by highlighting behavior incongruent with popular views of state identity. They also undermine states' external image – or the image it projects to states and other actors outside its borders. The effects of scandals, however, are primarily channeled through the former.

TABLE 2.1. Reputation in International Politics

	Image and Social Status	Credible Threat	Credible Cooperation
Why does reputation matter?	Political influence; Establish national image in line with views of national identity and avoid cognitive dissonance	Ability to make effective threats; make effective policy decisions in times of crisis with limited information	Ability to enter into profitable cooperative arrangements with other states
What are the purposes of reputation?	Attain and maintain social status, legitimacy, and influence in international and national politics	Predict behavior of potential adversary; provide information about own resolve to follow through with threats	Predict behavior of potential partner; provide information about own reliability as a partner; regime maintenance
What reputation is desirable?	Good international citizen, transparent and accountable	Action, resolve, toughness	Cooperation, compliance (sometimes toughness)
How can a state build its reputation?	Policies in line with “good norms” of society, international community	Demonstrate by following through on threats	Comply with international agreements and regimes
Target audience	Domestic and international	International	International
Principle scholars	Borrows from Busby, Klotz, Shannon, Sharman, Young	Axelrod, Crescenzi, Lebow, Mercer, Press, Schelling	Keohane, Sartori, Sharman, Tomz
Related paradigms	Eclectic	Realism	Liberalism, Constructivism
Other fields of research	Sociology, anthropology, social psychology, international law	Game theory	Game theory, economics, corporate management, international law

Reputation in International Relations

The concept of reputation, at the heart of this dissertation, remains under-theorized in international relations. The Oxford English Dictionary (1989) defines reputation as “the common or general estimate of a person with respect to character or other qualities; the relative estimation or esteem in which a person or thing is held.”⁵

⁵ See also Bromley (1993) for an overview of the common usages of the term.

But why does reputation matter? According to most IR scholars, reputation is valuable because of its ability to inform predictions of states' future behavior, whether as a credible military ally or opponent, or as a reliable partner in a multilateral commitment. A reputation for credibility, in turn, is a means to increase states' military power or their prospects for economic gains. These motivations, however, fail to capture the benefits accrued from supporting and pursuing "responsible" arms transfer policy, which are not primarily material but social. This section elaborates on the standard use of the concept of reputation in international relations, before moving to a more fully developed discussion of reputation as a fundamentally social concept. For an overview of the three approaches to reputation in international relations, see Table 2.1 above, the first of which I test in the chapters to come.

As Jonathan Mercer (1996) states, "a reputation is a judgment of someone's character (or disposition) that is then used to predict or explain future behavior" (6). To form a reputation, he continues, it is necessary for an observer of a state's behavior to use "character-based attributions" to explain its present behavior and then attach these judgments to expectations of future behavior (Mercer 1996: 6, 36).⁶ International relations scholarship emphasizes not the first part of Mercer's definition – the judgment of a states' character or disposition – but rather the second: the ability of reputation to serve as a tool to predict future behavior. Broadly speaking, certain reputations help states get what they want from other states, whether acquiescence to threats or profitable cooperative arrangements. The ability to extract these gains

⁶ Whether a reputation can carry across issue areas is a matter of some debate. Mercer (1996) argues that "a general reputation has an enduring character trait that reappears in different types of situations," while "a specific attribution applies not across types of situations but within specific types of situations" (37; See also Fisher 1981). The latter formulation is commonly used by game theorists, who assume similar situations within iterated games (38). Similarly, Lebovic and Voeten (2006) argue that a good reputation in one area can help states to establish good reputations in other areas (868). Downs and Jones (2002), however, question the transitivity of reputation. They find that "similar situations" are often defined very narrowly and that reputation is considerably more complex than other definitions might imply. See also Norman and Trachtman (2005) on this point.

hinges on the belief that their behavior in the present is considered indicative of their likely behavior in the future. As outlined below, this conception is used by research in international security and political economy. While not to be discounted, it is less useful in explaining states' adoption of "responsible" arms transfer control policies, which are not geared toward a strategic or economic advantage.

1. Credible Threats Within international security and deterrence theory, reputation takes center stage. Reputation in this field is essentially shorthand for "reputation for resolve" or, as Thomas Schelling (1966) calls it, "reputation for action" (124).⁷ In this sense, states (or leaders⁸) seek to build their reputations to make their threats credible (Axelrod 1984: 153-4). Nuclear deterrence "works" because states *believe*, based on their opponent's reputation for resolve, that if they take first strike action, their opponent will reciprocate in kind. Schelling argues that, because a country's worldwide commitments are interdependent, "this kind of face is one of the few things worth fighting over" (124). In addition, he explicitly maintains that it is a state's reputation for action – not its status, honor, or worth – that is of real value, at least as measured by justification for war (124).⁹ States do not want to be seen as liable to break under coercive pressure, but they do want to be taken seriously when they make their own threats (Huth 1988); a reputation for resolve feeds into both sides.

⁷ Strict neorealists argue that reputations for resolve are impossible to form under conditions of anarchy, despite the persistent belief in the importance of reputation displayed by many politicians and political scientists. Rather, as Shiping Tang (2005) asserts, there is a "cult of reputation," which he defines as "a belief system holding as its central premise a conviction (or fear) that backing down in a crisis will lead one's adversaries or allies to underestimate one's resolve in the next crisis" (40).

⁸ Wolford (2007) finds that, in seeking to build up reputations for resolve, new leaders are more easily trapped "into taking actions that increase the probability of conflict" (783).

⁹ For O'Neill (1999), reputation for resolve is synonymous with honor (86). Another rationale could, however, explain why this could lead to conflict. Crescenzi et al. (2007) argue that "violent reputations tend to signal problems of credibility that may exacerbate crises and make war more likely, not less" (654). Still, scholars working on conflict and reputation often conclude that reputation can lead to more frequent – and perhaps less rationale – conflict participation (Crescenzi et al. 2007; Lebow 1981; Mercer 1996; Press 2005; Schelling 1966; Tang 2005; Walter 2006; Wolford 2007).

Mercer (1996) offers a partial critique of this perspective based on social psychology but remains rooted to a “credible threat” or “resolve for action” approach to reputation (18, 19, 21). Mercer concentrates more directly on the creation and maintenance of reputation, arguing that while reputations are difficult to form (227), their content depends on the relationship with the observer state.¹⁰ That is, “while adversaries can get reputations for having resolve, they rarely get reputations for lacking resolve; and while allies can get reputations for lacking resolve, they rarely get reputations for having resolve” (10; Huth 1988: 6-7). Mark Crescenzi (2007) takes this rationale one step further and argues that reputation builds not only between states within a dyadic relationship but also by third parties observing that relationship.¹¹ Axelrod (1984) illustrates this point with Britain’s decision to take back the Falkland Islands from the invasion by Argentina in 1982. This move allowed other countries to observe British resolve for defending its territory, in anticipation that it would do so elsewhere in the future if provoked – and therefore should not be provoked (150-151).

In a way, then, reputation *is* more relational for these authors than as Schelling first conceived it; however, it still matters for the same reason: as a tool to enhance military credibility. States worry about their reputation because it affects their ability to make credible – and therefore effective – threats. It also supplements their knowledge about a potential opponent’s likely strategies (Axelrod 1984: 151) and relative power in order to “assess their strategies in crisis situations” (Crescenzi 2007: 385; See also Crescenzi et al. 2007: 655). In short, it is a source of information to make more accurate predictions about other states’ potential behavior in a military

¹⁰ Crescenzi et al. (2007) also examine states’ intra-dyadic relationships and determine that a direct behavioral history of conflict increases the probability of war between those states.

¹¹ This is also Axelrod’s (1984) precise argument about reputation: “The point is that when third parties are watching, the stakes of the current situation expand from those immediately at hand to encompass the influence of the current choice on the reputations of the players” (151). O’Neill (1999), too, notes that a “reputation for honor” or resolve depends “only on behavior *commonly known* to be publicly observed” and visible (89, emphasis in original).

crisis or conflict. These two aspects of “credible threat” reputation thus reinforce one another and ensure its relevance for state behavior. Yet this formulation stops short of making reputation matter for more than mechanistic or material purposes.

Moreover, because this use of reputation is action and threat-oriented, it makes at best only a distant connection to arms transfer control policy. Certainly, if states use weapons supplies as a coercive tool of foreign policy – requiring a state to comply with its demands or face a cessation of its arms supplies – such a threat will only be effective if the recipient state believes the supplier state will indeed cut off arms. This could be assessed by examining past threats of embargoes, but does not address the willingness of supplier states to adopt humanitarian export constraints in national legislation and multilateral agreements.

2. Credible Cooperation For scholars of international political economy, reputation is once again about credibility and information, but for cooperative ends rather than conflict. Regime scholars in particular focus on states’ reputations for compliance with cooperative agreements in the present as indicators of likely cooperative behavior in the future. Because states cooperate and enter into regimes to improve their economic welfare, having a good reputation for reliability can “[make] it easier for a government to enter into advantageous international agreements; tarnishing that reputation imposes costs by making agreements more difficult to reach” (Keohane 1984: 105-6; Guzman 2002, 2005; Larson 1997, Sartori 2002; Tomz 2007). Concerned about their reputations as precedent for an unspecified number of future rounds of cooperation, states will comply with agreements in the present, even without specific threats of retaliation (Keohane 1984: 105; Guzman 2002, 2005). In deciding whether to enter an agreement with another state, states also need to determine whether their potential partner can be trusted on the basis of “[his] reputation for

fulfilling commitments, the public record of his reliability” (Larson 1997: 710; Guzman 2002; Sartori 2002; Tomz 2007).¹²

This conceptualization is very much in line with the game theory approach to reputation. Indeed, the “information conditions” of repeated games create the very “possibility of reputation” (Alt et al. 1988: 449; Milgrom et al. 1990). Camerer and Weigelt (1988) find that even players with preferences for defection cooperate early and more often to build reputations for cooperation. In addition, according to Kreps et al. (1982), even a small belief in a partner’s reputation for cooperation – generated by observed cooperation – is enough for players to maintain substantial cooperative play.¹³ Thus players appear “to undertake significant efforts to build reputations for altruism” leading to cooperative behavior (Andreoni & Miller 1993: 571).

Hegemons, on the other hand, may still have to depend on a reputation for toughness – willingness to inflict costly punishment on defectors – in order to maintain regimes over time (Alt et al. 1988: 450; See also Evans & Thomas 1997). Axelrod (1984), for example, argues that the most advantageous reputation might be one of a bully intolerant of any defections and squeezing the most out of its partners (152).¹⁴ Keohane’s (1984) research, of course, makes this concern less important by arguing that regimes can persist beyond the ability of the hegemon to maintain them. He refocuses reputation on states’ cooperative behavior motivated by a desire to facilitate the negotiation of future advantageous agreements and material gain.

¹² From an international law perspective, Andrew Guzman (2002) – whose approach claims to complement neoliberalism without being neoliberal – qualifies that reputation can also explain why states sometimes *violate* international law: “The existence of a reputational effect impacts country incentives, but in some instances that impact will be insufficient to alter country behavior” (1849).

¹³ Andreoni and Miller (1993) show support for both Kreps et al.’s (1982) and Camerer and Weigelt’s (1988) findings. However, Cooper et al. (1996) produce experimental results to question the precise pattern (although not its overall result) of cooperation described by Kreps et al. (1982) for a Prisoner’s Dilemma game of finite repetitions. Instead, they suggest mixed models of altruism and egoism to account for early *and* extended cooperation.

¹⁴ However, Axelrod (1984) also states that it is difficult to establish such a reputation because of a high risk of retaliatory behavior from the other player (152-3).

J.C. Sharman (2006) claims to offer an alternative, social version of reputation in IPE, but again, states' concern for reputation is ultimately driven by a profit motive, perhaps even more directly than in Keohane's neoliberal institutionalist approach. For Sharman, states act to avoid being blacklisted by international organizations out of fear that third party investors will avoid them or withdraw their funds (10). For tax havens – small states whose economies are based on their very reputation with investors – reputation is *directly* connected to their ability to profit and survive, more than any other factor (107). From this perspective, reputation and the social standing connected to it are a means by which states ensure material profit. Being on the “good” list of states is a clear matter of attracting investors for profit and economic wellbeing, no more. Michael Tomz (2007) makes similar arguments in the case of debtor-creditor cooperation and the willingness of foreign investors to make loans based on a borrower's willingness to pay.

Interesting parallels can be drawn from these profit-oriented approaches to reputation and those of corporate management research. Companies, as Charles Fombrun (1996) succinctly puts it, “rely on their reputations to compete” (2). In general, reputation matters in business relationships as partners protect their reputations because of the impact on – again – an undetermined number of “future trading opportunities” and the profits attached (Kreps 1990: 107, 108). Management research finds that corporate reputation can be valuable to a firm in two ways: its effect on the financial bottom-line of a firm and its ability to “buffer firms from the immediate reactions of stakeholders in their environments when controversial events occur” (Fombrun & Rinova 2000: 79; See also Fombrun 1996; Balmer & Greyser 2003).¹⁵ Companies that perform better gain a good reputation, which in turn earns

¹⁵ This latter point relates to Lebovic and Voeten's (2006) finding that having a general good reputation for participating cooperatively in international institutions can shield states from some degree of scrutiny of behavior by states and international organizations. See also Chong (1992) and Tomz (2007).

them a higher status among investors, customers, and employees and further enables their performance in a positive feedback loop (79).¹⁶ In short, reputation is a strategic approach to enhance trust of a product and spread positive information about a company and its products – or a country (Falvey 1989; Goldberg 2004) – in order to increase its profits by increasing the willingness of others to deal with it (Davies et al. 2003; Falvey 1989; Fombrun 1996).

Thus, both the corporate management and IPE approaches highlight the profit incentive attached to a positive reputation as a cooperative strategy but do not probe more deeply into states' motivations to care about their reputations. Nevertheless, almost all – either directly or indirectly – also acknowledge the underlying social nature of the concept. Keohane (1984), for example, notes that “[a] principle sanction for violating social norms and rules in [‘primitive’] societies is the cost to the offending individual’s reputation” (106). Sharman is even more explicit, calling reputation “a quintessentially ‘social’ concept” and defining it “as the shared totality of thoughts and associations that actors hold for one another” (6). Yet although they pay passing tribute to the fundamentally social nature of reputation, they ultimately discount its potential effects for state policy and behavior.

Like the credible threat variant of reputation, credible cooperation matters for the goods it can provide. Yet neither enhanced military power nor increased economic profits are a likely gain for states from imposing and spreading arms export restraints. In fact, profit incentives may work against adopting such restraints. With a limited but competitive market for conventional arms, restraints shrink the available market and

¹⁶ Interestingly, corporate strategies of branding and marketing linked to reputation are spreading into the realm of states by explicit efforts for national branding. The Anholt National Brands index surveys consumers in 35 countries “on their perceptions of the cultural, political, commercial and human assets, investment potential, and tourist appeal of each nation. This adds up to a clear measurement of national brand power” (Simon Anholt and GMI 2007). See also Teslik (2007), Westcott (2008), and Davies et al. (2003: 55-56).

consequently reduce profit opportunities. Moreover, the implication that exporting states would halt supplies to customers violating certain standards of peace and human rights would make them less reliable partners and perhaps less economically competitive against suppliers with fewer scruples. Instead, to understand why states wish to adopt such potentially punishing standards, it is useful to look to the social benefits and pressures created by reputation, as articulated below.

Reputation and Conventional Arms Transfers Policy

The concept of reputation I use in this dissertation draws from international relations and other social science research more broadly, and differs in a number of respects from the variants just outlined. First, it recognizes the importance of reputation as a policy *end*, not solely as a means to achieve other policies. States value their standing in the international community and, as such, may adopt policies to establish or enhance that standing. Second, it incorporates an important role for domestic politics, absent from other IR uses of the concept. Governments' concern for reputation can have tangible effects at the domestic level by creating the conditions for political scandal brought on by a gap between professed policies – in this case, responsible arms transfers – and irresponsible behavior, revealed in the public domain. Finally, it creates an opening with which to consider a more eclectic theoretical view of international political behavior. States adopt policies to enhance their reputation in the international community – they apply rational strategies to achieve social goals. It is therefore a concept that can apply to both rationalist and constructivist research and perhaps serve to find an area of common ground between the two.

Reputation among States

At the international level, states often strive to maintain a positive reputation by adopting policies in line with certain international expectations. In cases where material incentives to cooperate or comply are absent – and perhaps even involve material costs – social incentives can nevertheless motivate states to sign on to popular initiatives. As Robert Keohane (1984) states, even a system of non-institutionalized rules “may provide incentives for governments, aware of the importance of reputation if not fearful of retaliation, to behave differently than they otherwise would have done” (239).¹⁷ Here, the key is that reputation causes states to act as they might not have otherwise, out of concern for how they are viewed by others in the international community. Moreover, reputation is not only important to states in the abstract, it is also connected to and carried by its individual diplomats and elites meeting in international fora as representatives of their countries.¹⁸

In the case of conventional arms transfers, states that in the past have avoided shared standards or restraints not related to their own security are now often supporters of such policies, precisely because they want to be viewed as in line with the evolving standards of the international community. The value of a good reputation attached to

¹⁷ This is similar to Eric Posner’s (1999) legal argument regarding contractual relationships. He suggests that, rather than formal legal deterrence through the courts, reputation and other forms of non-legal regulation are more important to deterring opportunistic behavior. Courts simply serve as a convenient “commitment device” (13).

¹⁸ As Arnold Wolfers (1962) argues, it is useful to supplement “states-as-actors theory” and “individuals-as-actors” theory with one another (24). Of course, assigning personhood in the form of human qualities to states – interests, identities, beliefs, the capacity to act, etc – has long been standard practice in international relations (Jackson 2004; Ringmar 1996; Wendt 1999, 2004), though perhaps more contested in recent years (Lomas 2005; Ringmar 1996; Wendt 1999). Alexander Wendt (2004) argues it is this view of “states as people” that enables states to possess a collective intentionality that cannot be reduced to its individual citizens and that has associated needs and interests (Wendt 1999). See also Jackson (2004); Lomas (2005); Ringmar (1996); Searle (1990); Tollefsen (2002); Wight (2004), among others, on this debate. Since it is not the place of this dissertation to engage in these deeper philosophical questions, it takes the common view that states can be ascribed person-like traits accounting for their collective behavior, which allows reputation to be carried by a state as an entity, but also by leaders and diplomats, separate from their own reputations.

conventional arms control is certainly *not* derived from expectations for increased procurement or overseas sales. Industry, in fact, was slow to back government initiatives to the extent that it has at all, and benefits directly connected to increased power and economic gain are negligible at best. Rather, it requires a broader understanding of the concept, connected to social status, to explain – absent positive material benefits and deep normative convictions – states’ willingness to support new responsible arms transfer standards.

International relations research most often describes social status as a tool of small or weak states to gain political influence in global politics not available through traditional military or market power (Ingebritsen 2006: 13; Royds 2000). Yet, as I show, it can also be sought by more powerful states embedded in the international community. International embeddedness can both reduce states’ insulation from international rules¹⁹ and enhance their desire for intergroup social status. Indeed, status can be sought independent of – or at times even in place of – material gain (Huberman et al. 2004). For most states, good standing in the international community requires them to take part in and comply with the rules of international society (Avdeyeva 2007; Chayes & Chayes 1995; Franck 1990; Katzenstein 1996; Wendt 1999).²⁰ Broadly speaking, the status of “good international citizen” refers to a state’s internationalism in which it exhibits an active commitment to human, social, and

¹⁹ International legal scholar Harold Koh (1998), for example, argues, “If nations regularly participate in transnational legal interactions in a particular issue area, even resisting nations cannot insulate themselves forever from complying with the particular rules of international law that govern that area” (641-2), not simply for practical reasons but also because repeated interactions in the international system of rules reconstruct state interests (642; See also Koh 1997).

²⁰ Although I consider reputation here primarily as a motivating factor for states to sign on to and adopt new international norms and rules, many international lawyers also debate the influence of reputation (or status) on questions of compliance with international law. See Downs & Jones (2002); Chayes & Chayes (1995); Fisher (1981); Franck (1988); Goldsmith & Posner (1999); Guzman (2002, 2005); Henkin (1968); Norman & Trachtman (2005). The discussion of arms trade transparency (or lack thereof) later in this section addresses why reputation provides less of a “compliance pull,” in the words of Thomas Franck (1990), for actual policy implementation.

economic rights or other collective goods (Lebovic & Voeten 2006; Nossal 1998/99; Wheeler & Dunne 1998).

As a judgment on states' policies and actions, reputation is wrapped up with states' internal or self-images – that is, their own conceptions of their identities²¹ – as well as how they are perceived by and in relation to other states and international actors. The concept of *image* takes on a range of meaning depending on the field of study, from a construct of either its creator or receiver to simply a synonym for reputation (Grunig 1993). Here, image refers both to how a state sees itself – its internal national self-image²² – and how it wants others to see it²³ – the external or public image it projects from its policies and behavior, past and present.²⁴ It is in part this latter external conception of image that shapes a state's *reputation*, which is a judgment by others of the images it projects (intentional or otherwise). While states cannot control this collective judgment – reputation is, after all, relational and defined by others – they can seek to shape it (Klotz 1995: 30, 31; Bromley 1993); or, in the parlance of public relations, engage in impression management (Bromley 1993; Grunig 1993). A public image is, as Kenneth Boulding (1956) remarks, “a creation of the message people tend to remake themselves in the image which other people have

²¹ For more on the concept of identity as a social category and its measurement, see Abdelal et al. 2009.

²² According to Noel Kaplowitz (1984), “The aspects of national self-imagery which influence foreign policy behavior include how a people sees itself, what it likes and dislikes about itself, the ways in which it may want to change, how it views its history, the ‘lessons’ it has learned, and its conceptions of national purpose and interest” (376; See also Kaplowitz 1990). He adds that national self-images are a dimension of and transmitted by political culture and its agents.

²³ Of course, governments are not the only source of states' external images. Non-state actors, such as advocates and norm entrepreneurs, wishing to praise or shame governments into certain behaviors or policy decisions may engage in their own impression management strategies to make states “look good” or “look bad” (Busby 2007: 251).

²⁴ See also Boulding (1956) on the concept of public image. The formulation here is slightly different than conceived by corporate management research, which itself entertains different conceptions of these terms. For example, Davies et al. (2003) call image “the external stakeholders' view,” identity the internal view of the corporation, and reputation the sum of image and identity combined (61, 68; Fombrun 1996; Hatch & Schultz 2000). In international relations research, however, identity is often more fundamental (Jepperson et al. 1996: 33) and is formed by the interaction of states within domestic and international societies, their norms, and their historical experience (Katzenstein 1996: 23).

of them” (71). Figure 2.1, based on Whetten (1997: 27) captures the relational aspect of reputation and the role of images in shaping it. In this sense, reputation serves as feedback from other states in the international community about the image it projects.

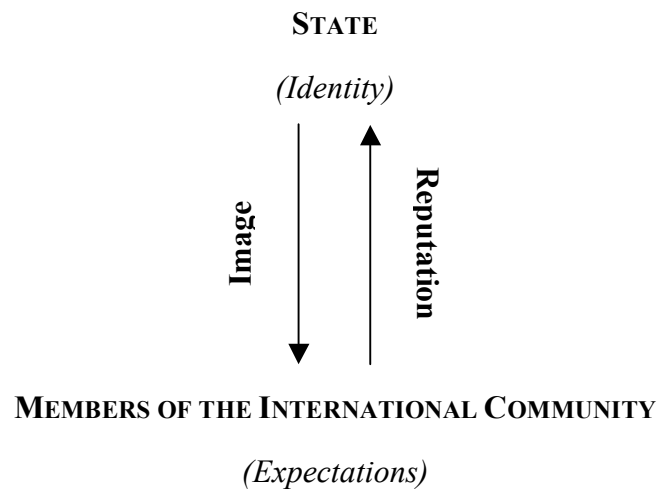


FIGURE 2.1. Relationship of Reputation and Image

A good reputation, in turn, confers increased *status* on a member of the international community.²⁵ Status refers to standing in a social hierarchy of “respect, deference and social influence” (Ridgeway & Walker 1995: 281), valuable both as a means to gain influence and as an end in itself (282; Huberman et al. 2004; Oldmeadow et al. 2003). Note that status in a *social* hierarchy does not replace the formal anarchy of the international system. However, it does suggest that some states informally enjoy a more favored and influential position in the international community than others. Robert Gilpin (1981) even notes the existence of a “hierarchy

²⁵ O’Neill (1999) describes two levels of beliefs in the relationship between reputation and “prestige,” a term he uses in place of status because of the absence of formal structure in the international system (194). He argues that a good reputation falls at the first level of beliefs, when a group “thinks that the person has a good quality.” Prestige comes into play at the second level of “beliefs about beliefs about the facts.” He states, “Prestige involves what each member believes about others’ attitudes toward the individual;” that is, “that everyone thinks that everyone thinks the person has the [good] quality” (193).

of prestige among states” linked to but distinct from power (30) and resting on the perceptions of other states in the international system (31).²⁶ Status hierarchies are, in fact, “an enduring feature of human interaction and a fundamental aspect of the organization of social behavior” (Ridgeway & Walker 1995: 281).²⁷ As a result, states seek “conformity and esteem” in the international community, stemming from pressure and a desire for legitimation from their peers (Finnemore & Sikkink 1998: 903). A state’s search for a good reputation and positive national image can, in turn, lead to policies and behaviors valued by the expectations of the international community, rewarding it with increased social status.²⁸

Social incentives are therefore particularly persuasive among states tightly bound to the international community seeking to maintain, enhance, or perhaps even repair the image they project to their peers. For such states, an obligation to the rules and norms of international society itself may become “a necessary reciprocal incident of membership in the community” (Franck 1988: 753; Avdeyeva 2007; Chayes & Chayes 1995; Franck 1990; Henkin 1968; Wendt 1999). Good policy signals “good international citizenship,” bringing with it status, influence, and confirmation of a state’s positive national image.

Expectations for “good international citizenship” and common standards for “good” behavior are more easily formed where interaction among diplomats is regular and intensive. International institutions provide an important social setting in which standards of acceptable policy and practice may be more clearly laid out and repeated interaction between actors is expected. However, international institutions can play an

²⁶ Gilpin (1981) asserts that “numerous factors, including respect and common interest, underlie the prestige of a state and the legitimacy of its rule” (30). Still, he does not recognize a social element to states’ prestige and ultimately finds that economic and military power – “the reputation for power, and military power in particular” – are the basis for prestige in the international system (31).

²⁷ See Ridgeway and Walker (1995) for an overview of theories of social hierarchy formation.

²⁸ And, one might also argue, maintaining the order of society, in this case the international system, itself (see Boulding 1956; Ridgeway & Walker 1995: 305).

additional and equally important role for the formation of states' reputations. Alastair Iain Johnston (2008) argues that reputation – defined as public without private norm acceptance – is a more powerful social incentive when groups are large and rules are majoritarian and put members' policy support on record (31-2).²⁹ The key point here is that institutions also serve as a venue in which a state's behavior is more observable to its peers, and, as a result, its reputation can be more easily assessed and assigned.³⁰ Even where consensus rules may mask individual states' policy choices from public view, diplomats in the room are nevertheless aware of who dissents from the norm and can make their reputational judgments accordingly. On issues related to conventional arms trade controls, multilateral fora have proliferated in the past decade, providing a community of diplomats who interact regularly and, in the process, establish expectations for policy and the ability to assess whether those expectations are met.

Within international institutions especially, leaders who “value their social standing in international society seek to avoid negative social judgments” and choose policies, behavior, and their justifications for both accordingly (Shannon 2000: 294; Chayes & Chayes 1995; Lumsdaine 1993; Root 1908). Thus, reputation itself can become a constraint on a state's actions (Klotz 1995: 30). Arms transfer controls to recipients engaged in conflict and severe human rights violations, while restrictive of states' foreign policy decision-making and economic opportunities, have become one

²⁹ Johnston (2008) bases his claims on Ronald Rogowski's (1999) work on variance in domestic institutions. In this framework, decision rules and group size are key to understanding institutions' effects on states' social incentives. Small or consensus-driven groups, he argues, are more likely to open states up to the public *and* private acceptance of new norms (31). This view is explored by the larger literature on the role of international institutions in state socialization. See, for example, Adler and Barnett (1998); Checkel (2001); Goodman and Jinks (2004); and, in particular, the *International Organization* (2005) special issue on International Institutions and Socialization in Europe.

³⁰ The need for dense and frequent interactions within a network to assign reputations to actors is noted by anthropology (Bailey 1971; Colson 1974); sociology (Raub & Weesie 1990); and even corporate management (Fombrun 1996). For larger groups, Milgrom et al. (1990) demonstrate that regimes and institutions can help to spread the information necessary for reputation to function as an enforcement mechanism, although this does not take into account the social pressure generated by interactions within a smaller group.

element of good international citizenship sought by all but a few major supplier states.³¹ Conversely, not endorsing such policies carries a social stigma, as can be seen particularly in the case of the United States. As Barry O'Neill (1999) notes, members in a society should ostracize, criticize, and punish norm violators, just as they should reward norm followers, in turn granting or revoking reputational benefits (197). In short, these new policies have become politically advantageous as a means to enhance a state's reputation – and seen as potentially costly to reputation *not* to adopt.

Social reputation can be a powerful motivator for policy decision-making for two major reasons. First, a good reputation, defined here as a reputation for good international citizenship, helps to leverage social influence and moral authority.³² This is typically considered a strategy of smaller and weaker states. However, whether or not a state has extensive hard power options at hand, social influence can be a cheaper and subtler resource to help bring fellow states' preferences in line with its own.³³ For example, soft power – “the ability to get what you want through attraction rather than coercion or payments” – based on a positive image abroad has been linked to the long-term success of post-war US hegemony (Nye 2004: x). Indeed, proponents of soft power in American foreign relations suggest that a sole reliance on military power is both inefficient and counterproductive (Nye 2004, 2002).³⁴

³¹ The United States was the only member of the UN to vote against the 2006 Arms Trade Treaty resolution and has taken similar positions on other conventional arms control policy issues (landmines, small arms) in recent years, citing exceptional foreign and security policy needs. These policies will be explored in the case study chapters.

³² Although complicated by perceptions of similarity between actors and competence related to a specific task, social psychologists also find that in-group influence is enhanced by social status (Oldmeadow et al. 2003).

³³ This is similar to the concept of the third face of power (see Gaventa 1980) or soft power (see Nye 2002, 2004).

³⁴ More recently, see Armitage and Nye (2007) on smart power, in which they and their collaborators argue that the combination of hard and soft power makes for “smart power” and, if properly invested in, can extend indefinitely US pre-eminence in world affairs.

This reputation effect, however, tends to operate more strongly within rather than across issue areas (Downs & Jones 2002; Fisher 1981; Norman & Trachtman 2005). Like individuals or states are often said to have multiple identities, so too can they have multiple reputations that relate to specific conduct (Bromley 1993: 44).³⁵ “Governments have,” as Roger Fisher (1981) puts it, “a remarkable ability to compartmentalize their reputations” (130). This is partly a matter of practicality: States in the international system must interact and cooperate with one another over wide range of issue areas, from trade to security and more. To assume that disreputable behavior in one area would spoil the ability to cooperate in all areas would be inconvenient, costly, and problematic.³⁶ Nor do states have reason to believe that this would be the case; the value and content of, and interest in, cooperative behavior also vary across issue areas (Downs & Jones 2002). Moreover, Downs and Jones (2002) argue, states are more likely to separate reputations in cases where they place a higher value on the relationship with the defecting state; out of loyalty and necessity, we are simply more tolerant of the transgressions of friendly or more powerful members of society.

Second, states may also express concern for their reputations because social status and social standing are valued for their own sake.³⁷ Alexander Wendt (1999), for example, asserts that among states’ interests is a need for “collective self-esteem,” referring “to a group’s need to feel good about itself, for respect or status” (236;

³⁵ Although, as Norman and Trachtman (2005) caution, the degree to which reputations are segmented requires further research (561).

³⁶ States are not often willing to inflict penalties in an issue area not connected to the offending behavior. Downs and Jones (2002) state, “The very rarity and selective nature of these linkages are testimony to their strategic nature” (S107).

³⁷ This idea is certainly not a new one. Elihu Root noted in a 1908 address that “desire for approval and the aversion to general condemnation [is present] with nations as with the individual” (19). For Roger Fisher (1981), these two main points about the value of reputation reflect the differences between “specific reputation” connected to a specific behavior or issue area, and “general reputation” relating to “the general esteem in which [a government] is held” (132).

Finnemore & Sikkink 1998). For Chayes and Chayes (1995), in fact, it is *the* critical factor – not tangible benefits – that explains states’ willingness to comply with international rules and regulations (27). Across cultures, for example, social psychology identifies a tendency to pursue social status as an end in and of itself (Bromley 1993; Huberman et al. 2004). More specifically, it points to a need for social approval within the framework of positively valued identity characteristics of a particular group (Shannon 2000: 299, 301; Finnemore & Sikkink 1998). This can be done, for example, by adhering to group norms, which “enhances one’s social image within an identity group” (Shannon 2000: 301; See also Finnemore & Sikkink 1998; Root 1908). More fundamentally, external validation from its peers can serve to confirm and even shape a state’s understanding of its own identity.³⁸ Recall that state identity is grounded both in an actor’s internal or self-understanding and in an external interpretation of that identity by other actors (Wendt 1999: 224).³⁹ This external interpretation of identity can be and is reflected in states’ reputation.⁴⁰

These two motivations behind social reputation need not be mutually exclusive. As Shannon (2000) points out, “The need for positive evaluations by others causes people to be socially aware of their actions, developing and maintaining social networks to further these psychological as well as instrumental needs” (299). States

³⁸ According to Aaron Wildavsky (1994), “Reactions [from others] are also indispensable in that the only way the self knows what it is is by feedback from others (139-40). Ingebritsen (2006), for instance, argues that the increasing international scrutiny to which Scandinavia has become subjected “helps redefine its own understanding of self” (107). Kristen Renwick Monroe (2001) observes that “maintaining self-esteem seems to play a key role in maintaining identity,” which requires a general consistency between perceived self-image and behavior (498). Similar dynamics of bringing into agreement identity and image for collective organizations are also evident in corporate management research (Fombrun & Rindova 2000; Hatch & Schultz 2000).

³⁹ Bromley (1993) states, “Although reputations are simplified and distorted representations of persons, they describe people’s social identities. They provide an external standard or criterion against which, through social ‘feedback’, we try to assess our social identities. Reconciling personal identity and social identity is a continuing problem of adjustment” (11). Moreover, actors will respond more strongly to negative information about their policy or behavior when it concerns identity-inconsistent attributes (Dukerich & Carter 2000: 101).

⁴⁰ Fombrun and Van Riel (2003) discuss the relationship between corporate identity and reputation.

and their leaders are often motivated by *both* the pursuit of material and instrumental interests, as well as expectations of appropriate behavior (302).⁴¹ Nevertheless, states need to adopt and promote policies reflective of the reputation they wish to promote and maintain (Chong 1993; Ingebritsen 2006). That is, “by not acting on [their] self-professed values, each person’s reputation would be diminished in the eyes of the others” (Chong 1992: 191; Bromley 1993). The importance of consistency between values and policy⁴² is multiplied when states take a leadership role to promote a policy on the international agenda. In these circumstances, states stake their reputations not only on their own policy and behavior, but also their success in spreading similar policies elsewhere.

A wide range of IR and legal scholars recognize the importance of such forms of “social control” to the functioning and stability of the less formally codified and governed international community (Chayes & Chayes 1995; Keohane 1984; Root 1908; Wheeler 2000; Young 1992).⁴³ Young (1992), for example, notes that states “are motivated by a desire to avoid the sense of shame or social disgrace that commonly befalls those who widely break accepted rules” (177). These controls rest not only on a peer group’s judgment of an actor’s action, but the importance the actor in question places on that judgment (Bailey 1971). States, wishing to maintain or improve their reputations, will often adopt policies in line with certain rules to

⁴¹ Of course, this dichotomy of interests and expectations can lead to cognitive dissonance between what is an instrumentally beneficial and what is a socially beneficial policy for a state. Leaders will try to resolve within their community’s existing normative framework, to the extent that a norm is defined broadly enough to make this possible (Shannon 2000). For another take on self-image, behavior, and moral action, see Monroe (2001).

⁴² And between policy and action, to the extent that action can be observed by others. I discuss this further in the context of states’ scandal sensitivity rising as arms trade transparency has increased. Without such transparency, criticism of discrepancies between state policy and action has been limited. As Nicholas Wheeler (2000) points out, “Changing norms provide actors with new public legitimating reasons to justify actions, but they do not determine that an action will take place” (9).

⁴³ For psychological and anthropological perspectives, see among others: Bailey (1971); Bromley (1993); and Colson (1974).

demonstrate their status as a good international citizen and may even seek to outperform their peers on issues particularly close to their self-identity (Tesser & Campbell 1980).⁴⁴ Status is, after all, an inherently evaluative concept, which helps to define a group's identity and which a group will seek to better (Tajfel & Turner 1986).

Nevertheless, limited public information on the follow-up implementation of policy restricts the evaluative capacity of an issue for states' reputations and implies perhaps only a superficial level of norm adoption (Guzman 2002; Norman & Trachtman 2005). Chayes and Chayes (1995) point explicitly to the role transparency measures can play in strengthening the compliance dynamic with international norms and treaties (135; Norman & Trachtman 2005). Reputation is typically assessed from observed policy and practice, but where arms trade transparency has been limited scrutiny of practice can only be limited. As a result, a government may look forward to the reputational kudos brought on by adopting responsible arms transfer policies, while remaining relatively – although increasingly less – confident that irresponsible transfers will go unobserved and unpunished. Thus a state may sign on to agreements with little intention of adhering to its obligations, “especially if it believes that its violations might not be detected” (Henkin 1968: 34). Alternatively, where norms or behavior is ambiguous, a state may attempt to deny accusations to convince others of its innocence and reduce its reputational damage (Guzman 2002: 1863).

The social reputation argument therefore suggests that a convergence of practice and policy – while conceivable without public scrutiny of state practice⁴⁵ – is more likely to take place as transparency measures become more comprehensive and

⁴⁴ Image management is common in corporate branding. Dukerich and Carter (2000), for example, outline a number of strategies for “reputation repair,” including defensive actions through communication devices and media outlets.

⁴⁵ This would be the general expectation of norm-based constructivist theories.

widespread across the international community.⁴⁶ Rules, standards, and norms may be adopted into policies not for their inherent value but – at least initially – for the value of the particular image they project. Indeed, despite a significant and distinctive shift in arms transfer policy among many major exporters, changes in actual export behavior appear less clear or certain, as shown by the quantitative analyses to come. This indicates that, despite new standards, a deep normative change in arms export practice has yet to develop and offers further credence to the social reputation argument driving policy change at the international level.

Reputation in Domestic Politics

Domestic constituencies are typically uninterested in arms exports, a topic followed only by a small set of specialists and NGOs and the defense industry itself. For politicians, the arms trade and its regulation are complex issues associated with few electoral benefits. In contrast, restricting defense markets has been seen – rightly or wrongly – as entailing many costs, especially related to employment and national security. Looking to public support and pressure to explain changes in export control policy, unlike with the ICBL campaign, can therefore be difficult. Yet, as scholars of international law often point out (Keohane 1998; Koh 1998), the internalization of international rules into domestic politics can be key to enhancing states' compliance.

In this section, I argue that it is primarily with the onset of scandal that politicians may actively seek change in national arms trade practices for domestic political gain – or salvation. Scandals emerge when arms deals are publicly revealed that violate fundamental national values, norms, and conceptions of identity. When values and norms are codified in multilateral regimes, violations become easier for

⁴⁶ On the issue of humanitarian intervention, Wheeler (2000) notes a similar gap between “normative commitments and instruments,” which “allows governments to abuse human rights with virtual impunity” (1).

domestic actors to identify and highlight in the public sphere. As Lutz and Sikkink (2000) note, international law – whether hard or soft – “has an important expressive function – it formally restate social values and norms” (657). In particular, where rules or violations of rules are clear-cut, some domestic-level enforcement by civil society groups through naming and shaming or rhetorical entrapment becomes feasible.

This process plays out in the media and leads to a public crisis of reputation for leaders in power.⁴⁷ In turn, scandals push politicians to implement changes in practice to line up better with existing policy and avoid similar embarrassing events in the future. They may also cause decision-makers to choose arms trade partners more carefully in order to *avoid* scandal, especially as export transparency measures make increasing amounts of information available to the public, NGOs, and the media. More information makes export decisions more susceptible to public scrutiny, resulting in a greater probability of scandal and therefore a higher sensitivity to scandal by policymakers.

A scandal entails public knowledge of “a departure or lapse from the normative standards that guide behavior in public office,” whether lawful or unlawful (Williams 1998: 7; See also King 1984: 4, Mancuso 1998: 68; Thompson 2000). It is not “merely” corruption, but rather a *public* revealing of corruption – whether dealing with money, sex, or weapons – in which a politician, party, or government faces, at a minimum, a crisis of reputation as a result.⁴⁸ Yet, as Theodore Lowi (2004) argues, it

⁴⁷ Although a literature on scandal does exist in political science, it rarely seeks to define or elaborate on the concept. As Thompson (2000) observes, scandal is a concept with a long and complicated history (11). There are a few exceptions, of course. Szasz (1986) states, “the focus of scandal is alleged violation of procedural norms and democratic values” (214). Thompson (2000), in turn, labels scandals as actions, events, or circumstances in which there is 1) “the transgression of certain values, norms or moral codes”; 2) “an element of secrecy or concealment”; 3) a disapproval of the events or actions by some non-participants; 4) the public denunciation of the events or actions by some non-participants; and 5) “the disclosure and condemnation of the actions or events may damage the reputation of the individuals responsible for them” (13-14).

⁴⁸ For comprehensive volumes on corruption more broadly as a theoretical concept and in practice, see, for example, Heidenheimer & Johnston (2002) and Caiden et al. (2001).

is neither satisfactory nor sufficient to define or explain scandal simply by equating it with corruption. Instead, corrupt behavior will be relatively constant for as long as human perfection remains elusive, while scandal level and type changes over time (70).⁴⁹ Nor does corruption always entail a public crisis for the responsible officials.

Clearly, what makes a scandal a scandal varies across and within cultures, societies, and political systems (Dobratz & Whitfield 1992: 168; King 1984: 5; Williams 1998: 2-3, 6): “[W]hat matters ethically in one jurisdiction may not be considered an issue or a dilemma in another” (Holland & Fleming 2001: 208).⁵⁰ With arms export scandals, this may rest in particular on the society’s historical relationship with the arms trade, its views of the arms trade as a tool of foreign policy, and the interplay of both of these factors with the values shared within a society.⁵¹ Thus while some societies appear particularly susceptible to arms trade scandals – such as Belgium, occasionally Germany, and increasingly Great Britain – others, such as France and the United States, may see more subdued public responses and less perceptible government reactions to similar events. This, in turn, has implications for a more rigorous implementation of policy, if not the form of the policy itself.

⁴⁹ Lowi (2004) points out that corruption will never disappear, but he does not acknowledge that, like scandal, certain political, economic, societal, or institutional contexts can foster or dampen the ability for politicians to take part in corrupt behaviors. See Caiden (2001), who suggests that while “corruption has been found in all political systems, at every level of government,” it is also constrained or facilitated by societal context, political system and culture, economic and political stability, administrative arrangements, and transnational influences (18-19). In particular, this dissertation argues that where transparency measures begin to illuminate once-murky areas of government behavior, corruption – at the margins at least – will begin to decrease for fear of discovery and scandal.

⁵⁰ A favorite popular example of this differentiation is the ubiquity of sex scandals in American politics – or at least their “more absurdist proportions” (Kleinfield 2008) – compared to the unperturbed reactions of many European publics to similar reports in their domestic political sphere. The reverse might be said of arms trade scandals, which appear to occur with either greater frequency and/or greater effect in many European states.

⁵¹ Suzanne Garment (1992) states, “Whether an act makes for scandal does not depend on the deed’s intrinsic nature alone. It depends just as heavily on what happens when other people learn about the act and judge it against a set of shared values...An act that affronts the moral sensibilities or pretensions of its audience may cause a scandal even if it is in reality no sin” (14).

Arms trade scandals rarely topple governments or decide elections.⁵² Research has found that voters are unlikely to punish scandalized incumbents in elections, whether because they benefit otherwise from the politician's position of power or because other policy issues are simply more important to them (Dobratz & Whitfield 1992; Mancuso 1998; Runquist et al. 1977).⁵³ Nevertheless, they may give the perception of electoral power by contributing to the strength of the opposition and detracting from the government's public image and legitimacy.⁵⁴ Leaders may be perceived as less trustworthy by the public (Funk 1996; Williams 1998), have a declined ability to exercise influence in the legislature (Meinke & Anderson 2001), prompt them to take risky policy moves more subject to failure (Dewan & Myatt 2007), and set off a questioning of the exercise of government itself (Mancuso 1998: 77). Each of these potential consequences, in turn, stems from tarnished reputations and reduced political capital (King 1984; Meinke & Anderson 2001: 640; Thompson 2000; Williams 1998).

As transparency measures proliferate, moreover, this dynamic becomes increasingly salient. By nature, a scandal involves norm- or value-violating practices associated with arms trade behavior coming into public view (Thompson 2000). If there has appeared to be an upswing in scandals in American politics in recent years, says Paul Apostolidis, "It's not that politicians are behaving more badly. We're just learning about it more often" (Kleinfeld 2008). Transparency measures increase the

⁵² Belgium, with its delicate governing arrangements, is a noteworthy exception. Moreover, the British Arms to Iraq scandal in the mid-1990s certainly helped contribute to Labour's positioning of itself as a more transparent and accountable alternative to the long-ruling Conservatives in the 1997 election.

⁵³ The third theory often given as to why voters fail to punish corrupt politicians is their lack of knowledge about the corruption (Dobratz & Whitfield 1992; Rundquist et al. 1977). This explanation is not listed here, given the highly publicized nature of scandals by definition.

⁵⁴ Szasz (1986) finds these effects only in the shorter term. Still, it is worth noting he considers Watergate – a defining scandal of a generation of American politics according to most other research (Garment 1992; King 1984; Lowi 1994; Markovits & Silverstein 1988; Meinke & Anderson 2001; Thompson 2000; Williams 1998) – to have "little or no clear consequences" (214).

information available to NGOs and media outlets about where a country's arms exports are going and open its actions up to public opprobrium. As a result, states' "scandal sensitivity" increases along with their transparency levels, pressuring governments to choose more carefully their export partners in order to avoid damage to their image and legitimacy. Particularly in democracies, where leaders are more subject to the scrutiny of the public and open press, the likelihood of scandals and the possibility of their detrimental effects escalate in tandem (Markovits & Silverstein 1988; Thompson 2000; Williams 1998).

At the domestic level, the reputation of a government or high profile leader is more directly the point of attention than the state as a whole in the international community. Thus, although Norman and Trachtman (2005) posit that domestic accountability may be aided by a segmentation of reputation to different parts of the government to keep them responsible for their own relations (561), the research in this dissertation focuses on the government in office and its top leaders. This is justified both by the lesser ability of the media and public to differentiate between (and take an interest in) bureaucratic versus executive responsibility, and by the focus of the research itself on *governments'* decisions whether or not to adopt a particular policy stance on arms export standards.

Similar motivations for positive national image discussed at the international level also apply at the domestic level (Shannon 2000: 299). In general, a positive image tends to be quite stable and self-perpetuating (Hirshberg 1993), maintained by the promotion of conformity to domestic norms and values, whether conformity is real or perceived (Hirshberg 1993: 80; Monroe 2001: 499; Shannon 2000: 299). As Matthew Hirshberg (1993) finds, "The maintenance of a positive national self-image is crucial to continued public acquiescence and support for government, and thus to the smooth, on-going functioning of the state" (78). Moreover, as Lumsdaine (1993)

states, “Promoting the idea of the country as a good citizen in a larger world [could be] consonant with promoting good citizenship at home” (19). The social control provided by a legitimate government greatly reduces the costs of governing and, in cases of established democratic regimes in particular, can be essential to it.

Behavior that deviates from closely held internal definitions of identity and values, in contrast, results in cognitive dissonance (Monroe 2001: 500; Shannon 2000) and may force a confrontation about what a country’s policies and actions reveal about itself. In violating deeply rooted conceptions of identity – “we are a good/responsible/ethical member of the international community” – arms deals that appear *ir*responsible may lead to scandal for the government and its leaders. Scandals call public attention to discrepancies between states’ values and identity and their actions. Countries may initially adopt and promote responsible arms export standards without much attention from their domestic constituencies. However, if and when governments are caught circumventing or violating those standards, media, NGOs, and public opinion will be significantly more likely to pay attention. Related to this, because governments care about their reputations, the rhetorical entrapment generated by the need to reconcile policy rhetoric and implementation may cause them to comply with behavior in which they may have had no interest otherwise (Schimmelfennig 2001).

Scandals therefore have two main effects on policy adoption and implementation in domestic politics. First, when scandals erupt, governments will take highly visible policy action to counteract negative reports of behavior. Chong (1992) states, “We will defend our reputations vigorously when it is at risk and be more self-serving when reasonably assured that no one is looking” (187). Second, when the threat of scandal is heightened – in particular, when more information about a government’s arms exports is available because of increased transparency – governments will act with greater diligence to meet with standards of behavior

dictated by national policy, domestic values, and the international community (Chong 1992). In contrast, when little information is available about government actions, decision-makers are less accountable to stated policies and values. It is, as Young (1992) observes, “the prospect of being found out [that] is often just as important, and sometimes more important, to the potential violator than the prospect of becoming the target of more or less severe sanctions of a conventional or material sort” (176-77).

The increase in arms transfer transparency initiated by the 1991 Gulf War combined with the more significant presence of NGOs in international affairs described above are central to this dynamic and together make leaders more sensitive to the possibility of scandals. With more information available about states’ arms export activity, there is material with which to bring discrepancies in practice and policy to national media attention. For such “naming and shaming” and rhetorical entrapment strategies to take place, however, there must not only be information available to single out noncompliant decision-makers, there must also be individuals or groups available willing to advertise and condemn these discrepancies (Chong 1992: 190). In the post-Cold War era, arms control NGOs – to the surprise of many, including perhaps themselves – have emerged prominently in this role.

The Role of NGOs and Transparency

The transition in the international social environment surrounding conventional weapons was facilitated – but not necessarily led – by NGOs. As Denise Garcia (2006) points out, “the influence of NGOs is more manifest” in the case of landmines than in small arms, where states were much more integral to the process of norm building and diffusion (25). Indeed, while NGOs and expert communities were important actors in raising concerns over the proliferation of SALW in particular, it was often in partnership with affected states and has depended on larger states to maintain its

momentum and encourage widespread support. Such governmental sponsorship can be crucial for convincing other states to sign on to new initiatives, and for promoting behavioral changes within bureaucracies at home (Koh 1998: 648). Nevertheless, as actors with technical expertise, field experience, and empirical research at hand, NGOs and epistemic communities have helped to draw the connection between problems in the developing world and the spread of SALW and conventional weapons (Garcia 2006). NGOs have since begun to provide a broadened negotiation base for government initiatives and, in many countries, been invited to participate in discussions as consultants and even delegation members.

Referred to in some circles as “the new diplomacy” or “new multilateralism,”⁵⁵ such partnerships between NGOs and “like-minded states” have become more common in international relations, even in the once highly secretive and sensitive area of conventional arms control. Largely as a result of the ICBL campaign, officials commonly describe a fundamental shift in policy-making to open up to NGOs.⁵⁶ Democratic states in particular have found political value at home in working closely with civil society actors, as a sign of their public accountability and transparency. Even in countries like France, where NGO-government links have traditionally been weak and underdeveloped, state officials have made explicit efforts in recent years to reach out to NGOs for consultations and information-exchanges about conventional arms policy. In bringing NGOs into the policy-making process, governments not only signal their accountability but also suggest a legitimatization of their policies.

While NGOs have begun to partner with governments in many major exporting states, they have also made a point to maintain sufficient distance in order to critique

⁵⁵ Axworthy (1998b); Dolan (1998); Gwozdecky (2001); Malone (2002); McRae (2001); Petrova (2007); Waschuk (2001).

⁵⁶ See for example: Cameron (2002); Garcia (2006); Hampson (2003); Malone (2002).

government policies and practices.⁵⁷ In highlighting specific questionable cases of small and major conventional arms exports in the media, NGOs publicize discrepancies between export standards and government practice – and, more fundamentally, between their self image as responsible states and their irresponsible practices.⁵⁸ Indeed, as arms trade transparency has increased since the end of the Cold War, with initiatives such as the UN Register of Conventional Weapons, the Wassenaar Arrangement, the EU Code of Conduct, and a proliferation of national reports, NGO whistle-blowing has become both easier and more influential.

As Keohane (1998) points out, “Without transparency, the transnational norm entrepreneurs cannot undertake their key task of exposing the inconsistency between norms accepted within the domestic society (as well as transnationally), on the one hand, and state practice, on the other” (710). The movement toward arms trade transparency has occurred along side – and in some ways preceded – a movement toward transparency in the international economy more broadly.⁵⁹ And while they have developed separately from the drive toward responsible export standards, growing expectations for transparency in government relations more generally have nevertheless aided the promotion of arms export norms and, possibly, states’ compliance to those norms. Defined as “the ease with which the public can monitor government behavior with respect to the commitment” in question (Broz 2002: 864),

⁵⁷ Lead NGO Amnesty International, for example, has a long history of maintaining a distance and neutrality from governments in order to maintain the credibility of its message and mission from its founding during the Cold War and beyond (Clark 2001; Dezalay & Garth 2006). Other NGOs, such as Saferworld in the UK, partner more formally with governments on certain policies.

⁵⁸ This goes beyond the contention that norm violators can be shamed, “because, as members of an international society, they share common understandings, references, and standards” (Lebovic & Voeten 2006: 869) to contend that shaming may also work because it violates fundamental notions of domestic values tied to national identity.

⁵⁹ Although Fung et al. (2007) pinpoint the 1980s as the start of US moves towards increasing transparency in corporate governance and financial markets (5), others connect its global spread to trends of democratization, globalization, and financial crisis in the 1990s (Best 2005; Florini 1998; Gelos & Wei 2002; Vishwanath & Kaufmann 2001; Weil 2002).

transparency has become an expected behavior and standard tool of accountability and compliance for governments and corporations alike (Broz 2002; Chayes & Chayes 1995; Florini 1998; Mitchell 1998; Tallberg 2002).⁶⁰

The rationale behind transparency initiatives contains a built-in assumption that domestic politics and non-governmental agents are central to compliance. By this logic, government accountability to international rules and norms requires the combination of first, a domestic public's knowledge of its government's wrongdoing and second, a "clarity of responsibility" in governmental policymaking (Powell & Whitten 1993). Clarity of rules and violations of rules, including from governments' commitments to regional or international regimes, can aid in this process. The threat of publicity of a government's wrongdoings then creates strong incentives to comply to rules and norms, in order to avoid audience costs or bad publicity (Apodoca 2007; Broz 2002; Fearon 1994; Fung et al. 2007). As a result, transparency wields something of a double-edged sword for governments: Conceived as a virtue in its own right, especially for democracies, governments strive to improve transparency as a signal of good governance and economic behavior (Besley 2006; Best 2005; Holzner & Holzner 2006).⁶¹ At the same time, transparency provides more ammunition for NGOs to call governments to task on their arms trade behavior, particularly those incidents that have potential to resonate with the media and public. And as more information is available about government practices, the possibility of both rhetorical entrapment and scandal becomes greater.

⁶⁰ Fung et al. (2004) caution that simply revealing information does not necessarily ensure accountability; the information must also be in a form that is accessible, understandable, and useful to the public. In the case of arms transfers, NGOs often do the legwork to transform hundreds of pages of national reports and register to information digestible by the media and public.

⁶¹ Whether transparency initiatives make good economic sense, however, is a matter of some debate. See, for example: Alt & Lassen (2006a, 2006b); Broz (2002); de Haan et al. (2007); Dranove et al. (2003); Florini (1998); Fung et al. (2004); Fung et al. (2007); Gelos & Wei (2002); Holzner & Holzner (2006); Vishwanath & Kaufmann (2002); Weil (2002).

As a result, NGOs have often been able to motivate governments to make changes at the domestic level in order to avoid (or sometimes deal with) embarrassment and scandal. Joshua Busby (2007) notes, “advocates can shape the general image and reputation of decision-makers through praise and shame, making them ‘look good’ or ‘look bad’” (251). The media, too, in its “watchdog” function can be a partner in this endeavor by helping to shape government image and providing the means by which “political and public attention [is focused] on particular incidents” (Tanner 2001:159; Apodaca 2007).⁶² Indeed, the role of the media is critical in making transparency a functional tool of accountability, whereby information about government behavior is disseminated to and interpreted for the public (Besley 2006: 203; Fung et al. 2007). More specifically, it is the primary source of collectivizing awareness and knowledge of scandalous acts or events in the public sphere (Tanner 2001: 160, 170).⁶³ “After all,” observes self-declared scandologist Anthony King (1984), “a scandal by definition is not a scandal until knowledge of it becomes public” (2). NGOs have thus purposefully engaged in “a new kind of media oriented politics” (Dezalay & Garth 2006: 232) as a means to raise public awareness and increase costs to governments for behaving “badly” – that is, contrary to their public commitments.⁶⁴

In fact, governments contend that the anticipation of NGO criticism spread by the media has been part of their move to scrutinize and better justify export decisions.⁶⁵ As Hafner-Burton and Tsutsui (2005) observe, even where international

⁶² See Thompson (2000) on the rise of the “mediated scandal.”

⁶³ For a rational choice discussion of common knowledge, see Chwe (2001); for a constructivist view, see Wendt (1999).

⁶⁴ Of course, the public has to *care* about reports of poor arms trade behavior in order for the transparency-accountability dynamic to function. Given the high volume of information available to the average consumer in the media market today and the general disinterest in the arms trade, it is therefore only where there is a clear disregard of fundamental national values, I argue, that scandal and concentrated public attention over conventional arms exports will arise.

⁶⁵ In a parallel example, Duggan and Levitt (2000) find that match-rigging in Japanese sumo wrestling drops when media attention increases in anticipation of corruption, in order to avoid future scandal.

laws and norms are weak, civil society actors often step in to serve “the function of much-needed enforcement mechanisms” (1402). In addition, as discussed above, policy changes to integrate new export standards into national decision-making policies have been made to deal with the aftermath of arms trade scandals. NGOs have had a hand in creating and sustaining such scandals in more recent years, seeking to push governments to comply with their policy commitments.⁶⁶ States with well-established, active NGO groups are thus more susceptible to scandal and tarnished reputations as a result of exports to apparently questionable recipients. In this manner, NGOs are a direct conduit between reputation and practice in domestic politics.

TABLE 2.2. Summary of Theoretical Expectations

	Social Reputation	Realism	Neoliberalism	Domestic Preferences	Constructivism
Policy	States will adopt new standards called for by international community (to maintain international reputation)	States will not adopt new standards; not in state interest	States will not adopt new standards; not in state interest	States will adopt new standards if sought by arms industry	States will adopt new standards called for by international community (interests socialized by international norms)
Practice	States will follow new standards only if transparent to and held accountable by public	States will not follow new standards	States will follow new standards, only if in form of legally binding regime	States will follow new standards only if practice affects future elections	States will follow new standards called for by international community

Note: Shaded boxes indicate expectations that appear to be realized in the empirical evidence.

⁶⁶ See Schimmelfennig (2001) on rhetorical entrapment. Sharman (2006) also utilizes this concept.

Alternative Explanations

Pre-packaged explanations for the dual outcomes under investigation in this dissertation – that is, what accounts for the emergence of responsible arms transfer policy decoupled from responsible arms transfer practice – are hard to come by. As I argue here, the major IR paradigms are limited in their ability to predict or explain these fundamental questions. In addition, explanations related explicitly to the adoption of responsible arms export policies are, to the knowledge of this researcher, lacking. Indeed, the conventional arms literature has a tendency to be more descriptive and policy-oriented than explanatory or rooted in theory, leaving scholars to think more broadly to derive possible and plausible explanations for puzzling policy and behavior. As a result, the alternative explanations outlined here are primarily based on the assumptions and arguments of IR theories and how they conceive of state interests⁶⁷ in international politics. Their expectations for state policy and practice are, in turn, summarized in Table 2.2.

Realism: Arms Transfers Enhance National Power and Security

Responsible – as in “other-oriented,” standards-driven – arms export controls are a puzzle without easy explanation for realist theories. Realists would typically be surprised by the emergence of human rights and related export control policy, which fails to serve state interest, defined by the preservation and enhancement of material power capabilities. As a tool of foreign and security policy, arms transfers can be used strategically to enhance national and allied power and security.⁶⁸ Responsible export

⁶⁷ Interests, according to Alexander Wendt (1999), “refer to what actors want” and “designate motivations that help explain behavior” (231). Interests as a motive for action is the standard use in the social sciences and “serve to connect an action to an individual” (Wildavsky 1994: 136).

⁶⁸ Domestic defense production capability is important to states on a number of grounds: “The capacity to restock supplies or modify equipment from domestic sources is often cited as an important wartime asset. Domestic production can reduce vulnerability to boycotts or blockades. Moreover, domestic arms

standards, however, could actually undermine both and consequently states' positions in the international system.⁶⁹ Thus, in the face of possible costs to material power created by restrictive export policies not related to national security, realists *do* expect non-compliant practice but *not* the emergence of such policies in the first place.

Interest, from the realist perspective, is simply and succinctly “defined in terms of power” and forms the basis for the actions and policies of decision-makers (Morgenthau 1948 [1954]: 5). Constrained by an anarchical international system, a state's policies and behavior both will address its security and survival needs, in part by seeking autonomy and avoiding dependence on others (Waltz 1979). So long as arms transfers are a necessary component of maintaining a viable national defense industry, states will prevent unduly – either unilaterally or multilaterally – restraining their exports for fear of opening themselves up to unnecessary dangers from weakened defense capabilities.⁷⁰ This is not due to the lobbying influence of the defense industry – national interests transcend such specific domestic pressures, and would merely redouble any industry influence in states too weak to resist such powerful societal pressures anyway. Although a powerful hegemon could feasibly coerce restraint, without real national security implications (like COCOM during the Cold War), a hegemon has no incentive to adopt “responsible” export policies, either.

This does not mean that states will allow their arms trade to proceed without regulation. According to Joanne Gowa (1994), states are acutely aware of the security

production and arms transfers are widely viewed as important sources of national prestige and diplomatic leverage” (Moravcsik 1991).

⁶⁹ As Joseph Grieco (1993) argues, state interests are defined by realist theories as their position in the international system. States are therefore wary of cooperative arrangements, not only because of the lack of authority to enforce such agreements, but also because their partners might gain more from the arrangement than they do. However, this does not, as Andrew Guzman (2002) points out, explain why states would bother investing the resources in treaty negotiations and the development of other agreements at all (1837).

⁷⁰ An interesting parallel can be drawn between arms transfer policy in this regard and Stephen Krasner's (1978) description of US raw materials policy goals: “increasing competitive economic behavior, insuring security of supply, and furthering broader foreign policy objectives” (15).

externalities connected to the improved material power capabilities brought on by foreign trade. As a result, they will prefer to bestow such strategic benefits on allies and friendly states, particularly in the trade of defense goods and technology. Stephen Walt (1990) views foreign economic and military aid as an outgrowth of states' balancing behavior and similarly observes a higher level of aid between allies or friendly states (221-4).⁷¹ Thus states will transfer arms to allies but will not seek restraints based on human rights, humanitarian law, or similar "other-oriented" standards to the extent that their security is unharmed. It is not that states necessarily lack moral interests, but, as Jack Donnelly (1986) argues, moral interests are "less tangible, and policy, for better or worse, tends to be made in response to relatively tangible national objectives" (616). Whether such policies are ultimately adopted in response to moral or other interests, realism can offer an explanation only for states' non-compliance,⁷² not for the policies themselves.

Neoliberalism: Arms Transfers Enhance Economic Power

In the context of legally-binding international regimes, neoliberalism might in contrast anticipate some degree of standard-compliant export behavior in anticipation of future payoffs for present day cooperation. However, such behavior is dependent on the prior formation of an international regime, which self-interested powerful states must deem to be in their long-term material benefit. That is, they must derive some relative mutual economic gain from institutionalized cooperation (Keohane 1984,

⁷¹ A high correlation between arms exports and alliance relationships should not surprise any observer of the arms trade. Allies are typically given favorable treatment in national export legislation, in terms of both faster decision-making processes and less intense scrutiny of applications. Such relationships exist, for example, between Germany and its NATO allies. A debate about US export controls is now ongoing, seeking defense export exemptions for trade between the US and its European allies, as already exist between the US and Canada (AP 2007; Bender & Lake 2000; CSC 2007; Hill 2002; Spiegel 2004; Stohl & Gabelnick 2003).

⁷² International lawyers Jack Goldsmith and Eric Posner (1999) attribute any compliant behavior to a pure "coincidence of interest" or coercion (1114).

1993), lock other states into favorable institutional arrangements (Ikenberry 2001), or solve a costly collective action problem (Simmons 1998). Without the promise of economic benefits or even simply the solution of a collective action problem directly affecting states' material self-interest, the emergence of international regimes and institutions cannot be explained.⁷³ In short, if the economic gains accrued by arms transfers outweigh the benefits of restricting them and would be diminished by doing so, a regime would be unlikely to form.

Standards of arms trade behavior have in fact become institutionalized in many regions and are recently becoming formally established at the international level.⁷⁴ Yet major exporters have no clear economic incentives to establish multilateral responsible export standards, unless they have already done so unilaterally and wish to “level the playing field” to their economic advantage. Only then, by neoliberal logic, would arms trade regimes aimed at creating responsible arms transfers emerge – never mind the need to explain the prior unilateral adoption of such standards. The “level playing field” explanation might hold in a narrow range of cases but for one prominent empirical problem: Even those arms exporting states with preexistent rigorous national standards were long reluctant, absent a push from international and/or domestic actors, to agree to similar standards on a larger scale.

Once a regime is established, states' export behavior should be more or less compliant because of states' desire to maintain the benefits provided by a regime, which is costly to construct and replace, and to cultivate a reputation for cooperative

⁷³ Neoliberalism is often better at explaining the persistence of international regimes than their emergence. Their persistence, however, is considerably less relevant here but is explained by their creation of mutual expectations, reduction of transaction costs, and information-sharing (Keohane 1984: 89-97; see also Martin 1992).

⁷⁴ One of the earliest and most prominent was the EU Code of Conduct, established in 1998. The EU Code contains eight politically-binding criteria (legalized in late 2008) to guide member states' arms export decision-making, including respect for human rights, development, democracy, international law, peace and security.

behavior, which can ease membership in advantageous future agreements (Keohane 1984: 100-106; Simmons 1998; Wallander 2000). Conversely, exporters that do not participate in a regime will not exhibit similar standards-oriented behavior, since they do not have similar information or future pay-off incentives to comply.

Still, in the weakly regulated and generally non-legalized area of the arms trade, neoliberals will not expect strong compliance. Since most regional arrangements are neither binding in any legal sense, nor subject to any costly enforcement, they will at best exert only a limited effect on state activity. As Hafner-Burton and Tsutsui (2005) observe with human rights treaties, the “weak institutional mechanisms to monitor and enforce regime norms [offer] governments strong incentives to ratify human rights treaties as a matter of window dressing rather than a serious commitment to implement respect for human rights in practice” (1378). Absent strong enforcement and monitoring mechanisms, a regime has trouble invoking the conditions to induce compliance just described; “hard law” is simply more effective in producing regime compliance (Fortna 2003; Hafner-Burton 2005). Accordingly, arms export behavior will not change dramatically – except perhaps in the case of formal (i.e., legally-binding) arms embargoes, which will be discussed specifically in Chapter 4.

Domestic Interests: The Arms Industry Defines Arms Transfer Interests

Liberal theories of domestic interests problematize the unitary notion of state interests espoused by realism and neoliberalism. Instead, they explore the influence of societal actors as they shape states’ broader interests and preferences (Milner 1997; Moravscik 1997). The state is not so much an actor in world politics in its own right, but rather a “representative institution constantly subject to capture and recapture, construction and reconstruction by coalitions of social actors” and their interests (Moravscik 1997: 518). In the case of arms transfers, state policy should reflect the

powerful, well-funded, and well-networked voice of the arms industry (Moravcsik 1992, 1993). What the arms industry wants, the arms industry should get.⁷⁵

The military-industrial complex illuminates the long-term close relationship between a states' government, military, and arms industry and the resulting influential role of industry in shaping relevant national policies (Adams 1981; Eisenhower 1961; Kurth 1971; Markusen et al. 1991; Moravcsik 1993). Government subsidies and financial aid for foreign military sales is cited as evidence to support this claim (Hartung 1996). Similarly, defense procurement, production, and exports commonly reflect the dominance of industry's commercial interests, designed to keep companies in business, at times at the cost of efficiency or technological power (Moravcsik 1992). With a clear economic incentive – even need – to exploit foreign markets for the wellbeing of industry (Labbé 1994), states should seek less restrictive export policies, not more. Compliance, in turn, should have no problem meeting the standards set by state policy, which are, after all, what society has demanded.⁷⁶

Although this perspective sounds compelling – perhaps industry has suffered economically for “irresponsible” export decisions and lobbied governments to endorse “responsible” export policies as a result – the defense industry has either proven uninterested in the issue or *followed* the lead of supportive governments. Yet neither can the public – itself largely uninterested in the arms trade – claim credit. This is not to argue that there is no role for domestic politics. Indeed, as I suggest above, domestic politics can prove essential to compliance with new export standards.

⁷⁵ While the influence of industry may to a degree wax and wane over time, the general observation from this perspective is that it nevertheless remains a steady fixture of importance in security and defense-related policy-making.

⁷⁶ Lisa Martin (2000) argues that legislative action can also influence commitment compliance and credibility. However, it is largely absent in the arms transfers issue. Although many European parliaments have called for ex ante oversight to better follow new standards, their input is mostly post hoc. Only in the United States – where oversight on deals over a certain dollar figure has rarely been exercised to stop a transfer – and in Sweden – where oversight committees have regular input – is there *any* legislative oversight into whether or not an arms transfer should be allowed to go through.

However, it is a question of whether states simply gather and reflect societal interests according to domestic liberalism, or whether they anticipate and react to them based on their international commitments for more complex reasons.

Constructivism: International Norms Define Arms Transfer Interests

The constructivist paradigm assigns an independent role for norms, ideas, and culture in shaping states' interests, identities and, ultimately, their behavior in world politics. A state's interests are not simply determined by its position and power in the international system or the demands of societal groups, but are constructed through "social interaction" in domestic and international politics (Finnemore 1996a, 1996b; Katzenstein 1996; Klotz 1995). Without such a social underpinning, contends Aaron Wildavsky (1994), the concept of interest is under-specified and empirically empty.⁷⁷ Thus, according to Martha Finnemore (1996b), "State interests are defined in the context of internationally held norms and understandings about what is good and appropriate" (2). This does not assume that the arms trade must as a given be regulated by a particular set of norms, nor does it take a static view of international practices (Finnemore 1996b; Florini 1996). However, in light of the growing presence of international norms of human rights and state responsibility,⁷⁸ and their increasing integration into arms trade agreements, states' interests themselves should come to embrace these changes and, consequently, also their policy and behavior.

Indeed, even in the absence of formal institutions, hard law, or coercive measures to govern the arms trade, socially derived obligations established in shared

⁷⁷ Wildavsky states, "Unless we understand how individuals interacting with other individuals construct their selves and simultaneously discover what interests these selves ought to have, so that self-interest becomes socially viable, it is under-specified" (1994: 132-3).

⁷⁸ Many scholars observe this trend. See, for example, Donnelly (1998); Gelb & Rosenthal (2003); Hafner-Burton (2005); Hafner-Burton & Tsutsui (2005); Lebovic & Voeten (2006); Roberts (1990); Ron et al. (2005, 2006); Smith (2001); Smith et al. (1998).

customs and fear of social sanctioning also influence practice (Checkel 2001; Finnemore & Toope 2001). Thus, if international arms transfer norms *are* developing and they do “matter”, human rights and related standards should feature prominently in states’ export decision-making. Moreover, such norms should become increasingly important in both policy and practice over time. The constructivist paradigm does not suggest that norms spontaneously emerge on the international scene, but rather that they develop over time, as growing numbers of states adapt and acculturate their practices and policies accordingly (Finnemore & Sikkink 1998; Florini 1996; Nadelmann 1990; Risse & Sikkink 1999).

For constructivists, policy and practice alike should therefore align with norms. Norms not only influence state interest but also create prescriptions for behavior “that predispose states to act in certain ways (Wendt 1999: 234; See also Finnemore 1996a, 1996b).”⁷⁹ From this perspective, norms shape states’ interests, policies, and behavior as a complete package. To whom these expectations apply, however, divides constructivists. For Finnemore (1996b), who represents a *broad* form of constructivism, norms should shape the policy and practice of all states in similar ways. State interests are socialized by international institutions and governed by the logic of appropriateness, thus predicting “similar behavior from dissimilar actors because rules and norms may make similar behavioral claims on dissimilar actors” (30; See also Koh 1998). That is, all states regardless of their regime type, power, or position in the international system should be similarly affected by the spread of new arms transfer norms. A *narrow* normative approach, however, would limit the

⁷⁹ The determinacy with which norms influence state behavior for constructivists is unclear. On the one hand, they suggest that “norms enable new or different behaviors; they do not ensure such behaviors” (Finnemore 1996a: 158). On the other hand, they firmly assert that “norms create patterns of behavior in accordance with their prescriptions” (Finnemore 1996b: 23) and make certain behaviors more likely than others (Wendt 1999). Determining conditions for how, when, and where norms are influential is therefore an important question for international relations research. Legro (1997) identifies this problem and attributes such variation to organizational culture.

influence of norms to a subsystemic group of states with shared values and beliefs (Bull 1977; Klotz 1995). This perspective points to democracies as a community of states most likely to be susceptible to human rights norms,⁸⁰ due to a shared community of values, an internal commitment to human rights, and greater openness to societal influence and accountability (Risse-Kappen 1995b; See also Burley 1992; Henkin 1968; Keohane 1998; Slaughter 1995).⁸¹

Constructivist theories are therefore useful in their understandings of normative change but are perhaps overly optimistic about state behavior and policy motivations. Certainly, constructivism can grapple with the evolution of state interests in conjunction with the evolution of international norms. Yet it would also anticipate a degree of congruence between states' adoption of normative standards and their practice. Without such congruence, it becomes questionable whether states are in fact driven by new norms of conventional arms exports to adopt new standards. In the absence of behavior echoing professed arms trade norms, normative commitments seem an unlikely explanation. Nevertheless, if state behavior becomes increasingly compliant over time, it may suggest that policies adopted for instrumental reasons are becoming accepted and valued for their own sake.

Conclusions

The inadequacy of these theoretical perspectives on their own to explain the wide discrepancies between the policy and practice of major conventional weapons

⁸⁰ Blanton (1999); Bueno de Mesquita et al. (2005); Davenport (1995, 1999); Henderson (1991); Howard & Donnelly (1986); Mitchell & McCormick (1988); Poe & Tate (1994); Rummel (1995); Sloan (1984).

⁸¹ Although, as Kathryn Sikkink (1993) observes, human rights policies can be adopted through different means and political channels across democracies, as well. Historical experience, she argues, accounts for this variation between post-World War II Europe and the United States.

exporters suggests a need for a more analytically eclectic explanation.⁸² While scholars certainly acknowledge the role that concepts and motivations associated with rationalist and constructivist theories both can play in determining the decisions of political actors,⁸³ the task of combining them in practice is often left incomplete. Yet as this dissertation will show, it is the very combination of normative change and state interest – as channeled through concern for social status and reputation – that explains the co-existence of new arms export policies and weak (but potentially improving) policy implementation.

The reputation argument provides an analytically deeper account that combines rational and social motivations for state behavior to come to a more complete explanation. More specifically, it examines rationally driven state actions within a changed international normative environment to achieve nonmaterial ends. In the case of conventional arms exports – which presents a line-up of domestic and foreign policy pressures long resistant to such export restraints – social interests motivate rational actors to pursue new policies, despite strong material incentives to the contrary. Indeed, these contradictory incentives suggest that the implementation of new standards could present a costly trade-off for states seeking to maintain a reputation for good international citizenship along side a viable defense industry and flexible foreign policy. Absent transparency measures, states may choose to avoid this decision in favor of the best of both worlds: “responsible” policies with minimally “responsible” practices. As behavior becomes more observable over time, states may reform practice in clear-cut cases most likely to attract public attention. If new norms

⁸² Among others, see Abbott & Snidal (2002); Jupille et al. (2003); Katzenstein et al. (1998); Katzenstein & Sil (2004); Sil (2000); Steinberg & Zasloff (2006); Wildavsky (1994); Zürn & Checkel (2005).

⁸³ For example, Kondo (1990) finds that mutual cooperation is often initiated by rational behavior but maintained and stabilized by normative behavior. Similarly, Finnemore and Sikkink (1998) argue that the two approaches can be complementary and that instrumentalist motivations may dominate early in norm life cycles but become more deeply embedded over time.

are more deeply held, however, states should demonstrate a more comprehensive introduction of “responsible” export standards into trade practices. The thesis next explores arms transfer trends in 22 top supplier states to assess the influence of human rights and internal conflict on their export decision-making and, in doing so, the depth of their commitment to the standards they have together articulated.

CHAPTER 3

STATES BEHAVING BADLY?

CONVENTIONAL ARMS EXPORT TRENDS, 1981-2004

The emergence and development of “responsible” export standards for conventional weapons described in the previous chapter belies long-standing behavioral expectations for states engaged in the arms trade. Conventional weapons – both small and major arms – have an established and legitimate place in national and international security, and are often exchanged as an expression of states’ friendship, political goodwill, or military support. Often, they are also considered an important, or even necessary, component of states’ own economic and military security. As a result, until the late 1990s, little political will existed to impose multilateral controls or to implement shared standards of export policy. Since the end of the Cold War, however, the drive to export has increasingly had to co-exist with the drive to control. Conventional arms transfers have been linked to domestic and international instability and found to undermine human rights, governance, social and economic development, and post-conflict reconstruction. Nonetheless, despite the prominent role of conventional weapons in international affairs, surprisingly little attention has been paid to states’ patterns of export practices in light of these new policy developments.¹

In fact, while research institutes have for decades assiduously tracked the annual value and quantity of major conventional arms transfers,² and more recently of small arms and light weapons (SALW),³ the relationship between arms exports and the

¹ It is necessary to qualify that the press and many NGOs do “call” states on questionable export deals, but these are typically isolated and more attention-grabbing incidents than a systematic investigation of practices over time.

² In particular: The Stockholm Peace Research Institute (SIPRI), the U.S. Arms Control and Disarmament Agency (ACDA), and the International Institute for Strategic Studies (IISS) in the United Kingdom.

³ The Norwegian Initiative on Small Arms Transfers (NISAT), established in 1997.

characteristics of importing states remains for the most part unexplored.⁴ Thus in order to answer the question of why states have begun to adopt new national and multilateral policies, it is useful first to examine their arms transfer activity in practice. Are states pursuing export standards that simply mirror their existing behavior, have their policy changes actually led to more responsible practices, or have they advocated changes they do not yet follow – and perhaps even seem unlikely to follow in the future? Likely the reality contains some truth from all sides.

This chapter seeks to illuminate trends in conventional arms transfers from 22 major exporting states, based not on *how many* arms are exported but *to whom* they are exported. In the absence of prior quantitative analyses of states' export practices outside of the United States, the findings contribute not only to the questions posed by the dissertation, but also to a better understanding of the international arms trade itself. Using an original dataset of small and major conventional arms transfers, I examine the influence of key characteristics of 189 importing countries on their receipt of arms from the last decade of the Cold War to the present day. I use logistic and OLS regression analyses, including "moving regressions," to track the influence human rights conditions and conflict involvement on major exporters' decision-making over time. I also compare and contrast practices associated with SALW versus major conventional arms transfers, democratic suppliers, and less developed recipients. More broadly, as a prelude to deeper questions regarding the development of new standards, I look at the willingness of states to wield arms exports as a tool to influence practices abroad and addresses the possible evolution of norms to guide the arms trade. I find that, while there has been a move toward compliance on the margins, supplier states' continue to "behave badly," casting doubt on the depth of their commitment to new standards.

⁴ See Blanton (2005) for a rare example of such research on U.S. arms transfers.

Trends in the Qualitative and Quantitative Literature

The three major arms trade policy trends described in the first chapter – arms transfers as tools of foreign and economic policy and “responsible” arms transfers – suggest expectations of changing export activity on the part of supplier states. First, Cold War patterns should reveal increasing levels of arms sent to the developing world, irrespective of internal regime characteristics, as a tool of superpower foreign policy, justified by the need to win friends and maintain the balance of power in a divided world.⁵ With national security and maintaining the balance of power the overriding concern for both sides, states exercised restraint by bloc politics and arguably little (if any) concern for the politics of their trade partners otherwise. Second, arms transfers motivated by economic gain and industry survival became the dominating trend in the early post-Cold War years. For the non-superpower exporters,⁶ particularly in Europe, this trend was simply a more intensified version of their Cold War experience, albeit now free of bloc restraints. Material incentives – particularly the willingness and ability for importers to pay – should therefore dominate export decision-making, particularly until the late 1990s.

By the end of the decade, however, the political nature of export controls began to re-emerge and expanded to include SALW on their own and in conjunction with major conventional arms. In this third phase, controls have focused on “responsible” exports attentive to the internal politics of recipient states. As a result, human rights violations and conflict involvement should emerge as increasingly important factors for suppliers’ – especially democratic suppliers – decision-making.

⁵ Brzoska & Ohlson (1987); Keller & Nolan (1997); Klare (1984); Louscher & Salomone (1987); McKinlay & Mughan (1984); Neuman (1986); Pierre (1982).

⁶ Both US and Soviet arms transfers were also thought to have economic benefits, but their primary motivation was nevertheless political (Pierre 1982). In particular, arms were a significant part of Soviet foreign trade, though the Soviet Union supposedly did not seek financial advantages from its arms exports (Brzoska & Ohlson 1987: 43).

While states are still faced with economic pressures to export arms, new political pressures require them to be more discerning in their export decision-making as a reflection on themselves and their membership in the international community.

Whether these trends – the most recent in particular – are evident in states’ export behavior remains an open question and is the focus of the chapter at hand. Most analyses over time have focused on levels of US weapons transfers, while little research has examined other exporters or the relationships between supplier practices and recipient state characteristics. Not surprisingly, studies of the Cold War typically track the bloc politics of Soviet and American weapons transfers. The notable exception to this rule is research dedicated to revealing the importance of human rights in arms transfer practices under the Carter and Reagan administrations. President Carter made a unilateral attempt to introduce recipients’ human rights records into US export decision-making in the late 1970s,⁷ but the move was seen as a failure, undermined by bureaucratic politics and perceived political necessity (Hoffmann 1977/78: 19-20). Reagan reversed Carter’s policy in 1981 in favor of an explicit return to “the use of arms sales to counter the Soviet challenge” (Wentz 1987/88: 352; Pierre 1982: 62; Catrina 1988: 83; Phythian 2000a: 6).

Qualitative analyses suggest that the difference between the arms trade practices under the two administrations was not great: Both used arms transfers as a foreign policy tool and maintained high levels of exports (Brzoska & Ohlson 1987: 59; McKinlay & Mughan 1984; Pierre 1982). Quantitative analyses, however, strongly disagree about the relationship between human rights and US military aid (Carleton & Stohl 1985, 1987; Cingranelli & Pasquarello 1985; Forsythe 1987; Poe 1990, 1991,

⁷ In PD-13, President Carter not only set out guidelines to limit the spread of weapons and military technology, but also indicated “that human rights violations would be an important consideration in the [arms sales] decision-making process” (Brzoska & Pearson 1987: 57).

1992; Stohl et. al 1984).⁸ Despite these disagreements, two significant points emerge from this research: First, there is a continuity of practice from one US administration to the next; and second, whether there is a link between human rights and military aid provision is a matter of debate. Various studies contradictorily find either that no significant link exists, under either Carter or Reagan (Carleton & Stohl 1985, 1987; Stohl et al. 1984), or that human rights is an important factor in US aid allocation under both presidents (Cingranelli & Richards 1985; Poe 1991, 1992).⁹

Research findings regarding more recent and widespread policy shifts are limited but remain equally clouded. Yet to understand states' depth of commitment to more restrictive export policies, it is crucial to uncover whether significant changes in policy and rhetoric have substantively affected export practice. The questions to be answered here, therefore, are whether and to what degree post-Cold War arms export behavior differs from the preceding decade and whether states adopt in earnest the initiatives to which they are signing on.

What research on these fundamental questions exists again concentrates mainly on the United States. Shannon Lindsey Blanton's (2000, 2005) work on US arms trade practices indicates that human rights do indeed factor into US export decision-making more strongly in the 1990s than in the 1980s. However, it currently stands alone as a large-N analysis, albeit limited to a single exporter, of evolving practices into the 1990s. Moreover, it may be unwise to use US behavior as an indicator for global behavior: The US as a superpower may be an exceptional case rather than the norm. It is also possible that its War on Terror since 2001 has returned its arms transfer

⁸ These studies primarily examine military aid, rather than simply arms transfers. This limits existing quantitative findings to arms and defense services provided as military assistance through foreign aid programs. Arms transfers, in contrast, refer to not only gifts of defense goods, but also to their purchase.

⁹ Unfortunately, only limited knowledge exists about Soviet arms transfer policy and practices. However, patterns show a similar growth of exports in the 1970s and 1980s and the view that arms exports are an instrument of foreign policy and the struggle between socialism and imperialism in the Cold War superpower competition (Brzoska & Ohlson 1987: 40-44; Catrina 1988: 87-88).

practices reminiscent of the Cold War era, while states elsewhere are moving in an opposite direction in favor of standards and regulations.¹⁰

Unfortunately, there is no similar work to reveal the practices of other major exporting states, such as European suppliers, which as a region make up a third of the global arms trade. This is even more disappointing, since just as the economic incentives to export have been strongest in Europe, so too have been the initiatives in favor of export restraint. To give an idea of trends in a select few states, Kyrre Holm (2006) investigates the impact of the EU Code of Conduct on the SALW trade of four EU members between 1995 and 2003, using case studies and levels of export for each state. He concludes that the Code has had a convergent effect on export decisions: States with existing high levels of export controls have lowered them in response, but states with lower levels of export controls have raised them (229-30). Broader and more systematic research is missing, however, in particular because the more important question is no longer how much are states exporting but to whom are they exporting. In addition, it is unknown if exports of SALW, a new but significant area of international action, are treated differently from major conventional weapons, where transparency measures have been more strongly concentrated. The next section attempts to fill these gaps and, in the process, examine the arms trade practices of 22 major conventional arms exporting states in light of the trends outlined above.

¹⁰ Although it is too early to have sufficient data to assess US arms export behavior after September 11, 2001, some cases suggest a return to Cold War-like transfers in order to win friends in the War on Terror and address balance of power concerns in the Middle East. The lifting of arms embargoes to human rights violators and sales to Pakistan (Garcia, V. 2003; Myerscough 2006) and Saudi Arabia (Cloud 2007; Waldermeirin 2007; Wright 2007) are clear indicators of this new (or reversed) direction.

TABLE 3.1. Hypotheses of Export Practices

Theory	Human Rights	Internal Conflict
Realism	Expects no effect	Expects no effect
Neoliberalism	Expects compliance only where formal regimes in place; Weak compliance absent enforcement mechanisms	Expects compliance only where formal regimes in place; Weak compliance absent enforcement mechanisms
Domestic Interests	States will respond to industry pressure and allow exports where demand is higher (such as human rights violators)	States will respond to industry pressure and allow exports where demand is higher (such as conflict zones)
Constructivism	Expects states – especially democratic suppliers – to export in compliance with new responsible export norms	Expects states – especially democratic suppliers – to export in compliance with new responsible export norms
Social Reputation	States most likely to follow new standards in cases of clear-cut human rights violations	States most likely to follow new standards in cases where there has been a clear outbreak of violence

Hypotheses

The theories and trends addressed here and in the previous chapter offer a baseline of hypotheses of states' export practices, summarized in Table 3.1. If practice follows policy, the findings should reflect the emergence of a regulatory arms transfer regime. Indicators of human rights violations and internal conflict should become significant in the late 1990s, with exporters exercising restraint on transfers to recipients with poor records of each. On the other hand, states may fall short of implementing new norms, suggesting that recipient characteristics may be either

inconsequential or sacrificed for lucrative sales where demand is high. Identifying the hypotheses with the most explanatory value can add a theoretical dimension to arms transfer analyses that is now lacking. It may also reveal empirical lessons for IR theory when confronted by a complex issue at the crossroads of states' political, economic, and normative interests. Most centrally, however, it can provide insight into the puzzle at hand; that is, whether states have adopted and promoted new export criteria as a result of their deep commitment to responsible export norms or if other interests dominate practice, regardless of policy.

The conflict involvement and human rights records of recipient states are the primary variables of interest for this dissertation. As a matter of a states' internal politics, as well as a potential factor increasing demand for arms, restraint in cases of both is arguably difficult. Moreover, as long as recipient practices do not directly benefit or harm supplier security, but may result in higher demand for arms, suppliers' decisions to restrain sales would have to be tied to more altruistic motives – or at least self-interest defined by factors other than economics or national security. Nevertheless, while the expectations for supplier state behavior are similar for both issues, human rights is perhaps even less likely to affect export state practices. Human rights violations are often less obviously or overtly connected to arms transfers, unlike conflict, for which weapons are a prominent and necessary feature. Indeed, while conflict and instability have long been linked to arms sales, the connection to human rights has been widely recognized only in recent years.

1. Realism The most pessimistic expectations belong to realism, which anticipates no relationship between arms transfers and new standards of export restraint. For realists, national security is of primary importance. By extension, states seek to use arms transfers to support allies and serve the viability of national defense industries,

leaving human rights in particular at the mercy of more powerful national interests. Moreover, scrutiny of human rights and other domestic practices is a matter of “extreme sensitivity” and often seen as a matter of internal politics and state sovereignty (Donnelly 1986: 616). Indeed, while governments may commit to human rights treaties, such commitments are no more than “cheap talk” and do not trigger fundamental changes in state practice (Hathaway 2002: 1946). Realism therefore expects – even if codified by multilateral agreement, which itself would be surprising in a realist world – that human rights records in recipient states will be insignificant for export decision-making. Simply put, they should not be a factor in either supplier policy or practice. Similarly, conflict in a non-allied recipient state might give suppliers pause but would ultimately be inconsequential for their decision-making. Allies engaged in conflict, in contrast, might even be more likely to receive weapons as a matter of symbolic and tactical support.

2. Liberalism Because neoliberal institutionalism expects compliance only in the context of formal regimes and binding international law, it will be treated more fully with regimes and embargoes in the next chapter. Absent institutionalization with accompanying accountability mechanisms, it shares expectations similar to those of realism just described. Nevertheless, the emergence of a number of regional regimes beginning in 1998¹¹ suggests a timeframe with which to anticipate some changes in signatory state behavior regarding human rights and other responsible export criteria. Similarly, the “liberal internationalist model” argues that democracies tend to have a common commitment to, and therefore higher compliance with, international law

¹¹ See Appendix A for a list of multilateral regimes and attempts to create them, including the 1998 EU Code of Conduct on Arms Exports.

(Burley 1992: 1919; Helfer & Slaughter 1997; Simmons 1998).¹² In this analysis, states under the EU Code of Conduct – and possibly democracies more broadly – should therefore exhibit changes in practice cognizant of new standards after 1998.

Liberal theories of domestic politics come to very different conclusions. From this perspective, interests and preferences at the domestic level are of primary importance and must account for effects of the heavy clout of the arms industry in government policy-making (Moravcsik 1993, 1997). In this case, industry's clear economic interest to export and exploit foreign markets would be a main driver in a states' arms export decision-making (Labbé 1994). Rather than suffering the economic costs of "responsible" exports, industry will seek and obtain liberal export practices and the green light to sell in markets where demand is higher – including states involved in conflicts, social turmoil, and possibly human rights violations.¹³

3. Constructivism In light of a growing presence of international norms of human rights and state responsibility,¹⁴ as well as intervention in internal conflicts (Finnemore 1996a), constructivism would expect state export behavior to reflect these changes. States have defined what is "good and appropriate" in the conduct of the arms trade as restricting sales to human rights violators or conflict zones. Therefore, even in the absence of formal institutions, hard law or coercive measures, such socially derived obligations should influence practice (Finnemore & Toope 2001). Thus, if international arms transfer norms *are* developing and they do "matter",

¹² Ikenberry (2001) also argues that democracies have a greater ability to enter into binding international agreements and stick with them. Martin (2000) attributes this in part to the role of legislatures in helping to enable greater credible commitments on the part of democracies.

¹³ Other country-specific factors related to domestic interests are explored later in the case studies. A focus on the institutions and interests of actors within a state to explain state behavior is difficult to capture in a large-N analysis of many states.

¹⁴ Many scholars observe this trend. See, for example, Donnelly (1998); Gelb & Rosenthal (2003); Hafner-Burton (2005); Hafner-Burton & Tsutsui (2005); Lebovic & Voeten (2006); Roberts (1990); Ron et al. (2005, 2006); Smith (2001); Smith et al. (1998); Thomas (2001).

constructivism expects to see the robust influence of human rights, conflict participation, and related factors on export decision-making since the late 1990s.

4. Social Reputation The perspective at the center of this dissertation, the social reputational model does not rule out the possibility for new standards to affect exports, but is nevertheless skeptical of the power of new norms to alter state behavior. States may well agree to policy without an intention to implement it, particularly if their behavior is neither transparent nor monitored. In clear-cut cases of high-level conflict or human rights violations, suppliers may be bound by image concerns to restrain transfers. On the other hand, cases where recipient practices are more debatably or less obviously problematic, suppliers may continue with business as usual, knowing their decisions will not be so easily subject to scrutiny at home or abroad.

Of course, transparency of export behavior is also necessary for these dynamics to kick in. In the absence of behavioral transparency – if arms transfer behavior is opaque or subject to only limited transparency criteria – conditions in the recipient state are likely to be unimportant to exporters. Where transparency measures have been higher among democratic exporters, transfers may be lower in cases of high conflict intensity or the most severe human rights violations. Democracies are therefore the exporters most likely to exhibit a behavioral change, but even so, such changes may be minimal at best.

Data and Research Design

Has states' arms export behavior come to reflect the emergence of the "responsible" arms transfers policies and the increasing importance of human rights and other value-based norms in international affairs? The heart of this chapter, a large-N statistical analysis of arms transfer trends, attempts to answer this central question.

It explores the relationship between arms exports (dependent variable) and the characteristics of their recipients (independent variables). Although it cannot provide insight into the political processes behind states' decision-making, it can offer a description of states' actual export behavior to indicate how well their practice matches their policy.

The analysis that follows builds on a newly constructed dyadic dataset (exporter-importer-year),¹⁵ focusing on the SALW and major conventional weapons transfers of 22 major exporting states, and tracks the relationship between exports and the characteristics of the recipient states between 1981 and 2004.¹⁶ Through OLS and logistic regression and “moving regression” models, it considers the impact of a recipient state's involvement in internal conflicts, as well as its human rights records. Table 3.2 summarizes the sources and coding of the full range of independent variables, which are described in detail in Appendix B.

¹⁵ Time-series dyadic data presents special issues due to their non-exchangeability, unmeasured heterogeneity, and complex dependence structures and relationships among members of the dyads (King 2001: 498; See also Green et al. 2001). For this reason, dyads are treated as panel data and utilize panel-corrected standard errors with a random effects model, because the high number of zero-dyads makes fixed effects models inappropriate (King 2001; see also Beck & Katz 2001).

¹⁶ The complete list of exporting states can be found in Appendix B. All states and additional territories, such as Taiwan, are included as importers, totaling 22 exporters to 189 importers over a period of 23 years.

TABLE 3.2. Summary of Independent Variables

Independent Variable	Source	Coding	Justification
Embargo	News, reports, govt documents and websites	0 (no embargo) to 3 (full embargo: all weapons, all parties)	Tool to limit or stop arms transfers to specific states
Military Expenditures	SIPRI	Military expenditures as a percentage of GDP	Higher expenditures allocate greater resources for importers to purchase arms
GDP per capita	UN	Estimated from the national account aggregates	Greater wealth expands resources to purchase arms
Democracy	Polity IV	-10 (autocracy) to 10 (democracy)	New standard for the receipt of arms from democratic exporters
Human Rights	Political Terror Scale (PTS)	1 (rare or extremely exceptional human rights violations) to 5 (frequent and severe violations extended to whole population)	New standard for the receipt of arms
Interstate Conflict	Uppsala/PRIO	0 (no conflict) to 2 (full war) based on number of battle-related deaths	Conflict increases demand for weapons; new standards suggest limited to no exports
Internal Conflict			
Alliance	ATOP	Dichotomous	Defense trade is likely to be higher between allies for reasons of increased trust or need for interoperability
Colony	Historical record	Dichotomous	Ex-colonies are often supposed to receive arms from their former colonizers
Oil Production	Centripetalism	Millions of barrels of oil produced per day per capita	High arms exports linked to Middle East in exchange for oil

Note: Variables of primary interest to the analysis are shaded.

Following Blanton (2000, 2005), each independent variable is then lagged one year in the regression analysis. This allows for information about conditions in

recipient states to reach decision-makers in exporting states and adjust their behavior accordingly (Blanton 2000, 2005; Meernik et al. 1998). It is unrealistic to assume that human rights violations in one year could immediately impact arms exports. Rather, decision-makers need time to receive government, news, and NGO reports to have the opportunity to affect arms exports. Only in extreme cases is immediate action likely to be taken. In addition, because the data is annual, relevant changes mid-year might only appear minimally in the dataset, if at all. The following section describes the challenges associated with arms trade data, the coding and sources of the dependent variables, and the statistical models chosen for the analysis.

Arms Trade Data

The growing expectations of arms trade transparency since the end of the Cold War and the diligent long-term efforts of international research institutes have helped to improve the quality and public availability of arms export data dramatically, in recent years in particular. SIPRI, for example, uses open government sources and news to compile annual trade data worldwide since 1950 and continually updates old data as new sources are made available. Conversely, SALW transfers are harder to track and were not a focus of interest – either by research institutes or by governments – until the mid-1990s. In general, however, the further back in time researchers look, the less data is available. A 1979 US government report summarizes early problems for arms transfer research stemming from the lack of public data:

Virtually all nations consider arms sale statistics highly sensitive. Most insist that publication of such information would harm their relationships with purchasing countries. They argue further that this is proprietary business information. Efforts at the United Nations to make arms sale information public have thus far failed. Except for the United States, even those nations which provide figures do so on an aggregate basis, with little detail as to weapon categories and recipient country. Only the United States publishes country-by-country details of its arms export transactions. In fact, it appears

that few nations actually maintain a central repository of detailed information. Many major suppliers could not, even if they were willing, supply the sort of detailed data that the United States makes available (US Congress 1979: 7).

Minor improvements in data began during the late 1970s and 1980s. Austria, for example, began issuing reports in 1977, and Sweden followed suit in 1984 (Haug et al. 2002). However, with an international norm of secrecy rather than transparency, data from the 1980s must rely primarily on news reports and publicly released (or leaked) intelligence reports (Laurance 1992: 21). The problem is magnified substantially when it comes to transfer data from the East Bloc. The extreme secrecy of Soviet deals, the East Bloc's separate system of trade, and general lack of information makes any data highly speculative (Brzoska & Ohlson 1987: 40; Brzoska & Pearson 1994: 21; Catrina 1988; Keller 1995: 59). Pierre (1982) cautions, "Complete and reliable data on arms transfers are not readily available" but "enough is known to give a reasonably accurate impression of the trends" (8-9). Certainly, the policy focus at the time on major conventional weapons, the relative ease of tracking the movement of these weapons, and the prestige and deterrent values of importers making their capabilities known assist in improving conventional arms transfer information. Moreover, research institutes continue to update their records of past years as new information becomes available over time. Nevertheless, results from the 1980s are included for rough illustrative purposes only and should be viewed with these limitations in mind, especially in the case of SALW transfers.

Data availability in the 1990s has improved incomparably. The 1991 Gulf War forced states to reconsider the norm of secrecy in the conventional arms trade. With the subsequent UN Register of Conventional Arms, the norm of secrecy was replaced by a new norm of transparency, which has grown in regional organizations and agreements, as well (Laurance et al. 2005: 233). Ian Anthony (1997) observes, "Suppliers have come to accept that almost total secrecy surrounding the arms trade is

counterproductive” (29-30). Indeed, supplier information tends to be more regularly and widely submitted to the UN Register than importer information (Durch 2000: 183; Lebovic 2006: 553), although reporting in general continues to grow. According to the UNODA (2006), 95 countries submitted reports to the UN Register for 1992, a number that had increased to 122 for 2005. By mid-2003, 164 states had participated at least once (Laurance et al. 2005: 231), and level of detail, especially from European suppliers, is increasingly meticulous.

These transparency measures, however, have focused almost solely on trade in major conventional arms, leaving the SALW picture still less clear or consistent.¹⁷ Instead, SALW transfer data, as discussed below, relies on general and trade-specific news reports, UN Comtrade (customs) data, and other sources, where government reports are not available. Fortunately, this trend has also begun to change, as SALW have become a significant policy issue in their own right. By 1999, 22 states had begun to include SALW in their export reports (Haug et al. 2002: 26). In late 2003, WA member states agreed to include SALW on list of strategic goods used for intergovernmental transparency, while the UN also voted to expand the UN Register to include some smaller artillery pieces (SAS 2005: 109).

The dataset and analyses cover 1981-2004, allowing for a comparison between the last decade of the Cold War and the first decade-plus of the post-Cold War arms trade system. However, the extreme data difficulties for SALW, as well as less public data availability for major conventional weapons are reasons for caution in analyzing arms trade behavior in the 1980s. The lack of good data suggests that any results will likely be rosier than the reality. As a result, the bulk of the analysis will focus on the

¹⁷ Haug et al. (2002) find that among the top SALW exporters, only the United States, Germany, and Italy “are transparent with respect to their small arms exports.” Moreover, other major exporters, including Brazil, Bulgaria, China, Israel, Pakistan, Russia, and Ukraine, publish no detailed data on their SALW exports (32). See also Holtom (2008), who also finds improved SALW reporting among many exporters in recent years.

post-Cold War years, using the 1980s as a sketch for broad illustrative purposes. In and of itself, the post-Cold War era provides an interesting contrast of suggested trends, beginning with the highly commercial early 1990s and becoming increasingly “responsible” since the late 1990s. While it must be noted that a few exporters in this analysis still have comparatively poor records of reporting¹⁸ – and should therefore continue to be viewed with caution – transparency has otherwise advanced across the board. Indeed, where improvements are now sought with the US and major European exporters, is in increasing the level of detail and disaggregation of information, which does not affect the aggregate annual exporter-importer data used here.

Dependent Variables

The arms trade dataset contains two main dependent variables, each of which are used for a set of regression analyses. Because the political attention to, use of, and data for small and major arms is dissimilar, separate dependent variables are included for transfers of each. Although most analyses focus only on trade in major conventional weapons – where more historical data is available, transparency initiatives have been more widespread, and the weapons themselves are easier to track – it is in the area of SALW transfers that the most work to build multilateral standards and controls has taken place in the last decade. More recently, the Arms Trade Treaty (ATT) process underway at the UN since late 2006 has expanded discussions on SALW transfers to include major conventional weapons as well.¹⁹

¹⁸ In particular, Bulgaria, China, Israel, South Africa, and, to some degree, Russia and Turkey.

¹⁹ The database contains a third variable for all conventional weapons transfers (*transfer*), which is by necessity dichotomous. However, because of the high frequency of SALW transfers, SALW transfers dominate the all transfer data (there is a .9605 correlation) and produce almost identical results. Unfortunately, no database provides a comprehensive figure for combined SALW and major conventional arms transfers outside of the United States.

1. Small Arms and Light Weapons The variable for SALW transfers (*satransfer*) is based on records compiled by the Norwegian Initiative on Small Arms (NISAT).²⁰ NISAT uses the UN definition of SALW, labeling as small arms “those weapons designed for personal use” and light weapons as “those designed for use by several persons serving as a crew” (UN 1997: 11). These categories include, for example, revolvers, machine guns, rifles, and ammunition and explosives (11-12). NISAT relies primarily on UN Comtrade data,²¹ as well as available national and regional reports and press research, but suffers from the lack of a universal system of reporting and methodology (Marsh 2005: 2; SAS 2005: 99). Research and analysis is also made more difficult by the absence of a SIPRI-equivalent for SALW (SAS 2001: 61). This means that data is not streamlined into uniform definitions and measures of quantity or quality, and that multiple reports of a single transfer may exist but are unidentifiable as repeat submissions without significant work by a team of researchers.

In addition to the difficulties that arise when states *do* report SALW data, tracking the small arms trade is inherently more problematic without their support. As Ian Anthony (1994) states, “The rapid and unbroken increase in the movement of standard-size closed containers through ports in countries with a domestic small-arms industry underlines that monitoring of the legal trade can only be done with the consent and cooperation of governments and industry” (34), which has fortunately become more common in recent years (Holtom 2008). In its first yearbook, the Small Arms Survey (2001) called small arms transfers “a unique kind of terra incognita” that “remain statistically primitive and underdeveloped” (61). Nevertheless, increasing

²⁰ NISAT (2006) accessed between March and June 2006 from <http://www.nisat.org>.

²¹ SAS (2003) calls UN Comtrade data “the most comprehensive source of comparable data on the international trade in small arms” (99, SAS 2002: 113). However, it relies on voluntary submissions by governments and tends to be incomplete in the area of SALW, a particularly sensitive export. It concludes that Comtrade data “appears to be the strongest on the exports and imports of western countries, principally North America and western Europe” (99).

numbers of national, regional, and international sources have appeared in recent years to help establish a composite picture of the SALW trade.

Because of the rough nature of SALW data, *satransfer* is by necessity coded as dichotomous: One indicates the presence of an SALW transfer in an export-import-year, and zero indicates no record of an SALW transfer in an export-import year. NISAT provides all available data on price and volume for each transfer recorded; however, such records are often spotty. Three significant data problems necessitate a dichotomous SALW variable. First, the absence of a transfer does not mean with absolute certainty no transfer took place, only that one was not recorded in the numerous sources used to compile the database. Without completely open government records, it is simply impossible to distinguish a missing variable from a “no transfer” record. This is especially problematic with regard to SALW transfers during the Cold War, which Nicholas Marsh (2002) refers to as the “heyday of gray market arms transfers” (221). The superpowers delivered arms to conflicts worldwide in an attempt “to subvert the global of the other by *clandestinely* arming the enemies of their enemies” (221, emphasis added). Rather, it can only be assumed that the quality of data has become better as transparency and reporting have improved in recent years and that figures are generally underestimates, especially during the Cold War.

Second, one record in an export-import-year may list price and not volume, while another may list volume and not price. The specific number of weapons is also often missing. This makes it difficult to create a variable based on either price or quantity, since only partial information is usually available. As SAS (2003) points out, “Many governments report only the value or tonnage given in their customs receipts, leaving the actual number of weapons to guesswork” (99). At the same time, the given value of transfers itself is not necessarily accurate or useful, since states may

acquire arms through bartering, credit, or gifts, as well as cash, which a raw price report does not capture (Brzoska 2004: 113; Levine et al. 1997: 345).

Third, a single dyad-year may list more than one record of a single transfer. As a rule, NISAT utilizes multiple sources (“mirror statistics”) in compiling its database and lists every record found for an export-import-year. However, it is impossible to determine whether the records reflect multiple sources on a single transfer or are indeed multiple transfers. NISAT does not – and without significantly greater time and resources cannot – identify duplicate records in its database. For example, there may be at least two sources of data on a transfer, one taken from exporting country reports and the other from importing country reports (Marsh 2005: 5). This is helpful in broadening the picture of the SALW trade, particularly for exporters or importers who do not regularly submit reports. Yet it also makes unwise the aggregation of data, which NISAT explicitly advises against because of the nature of its database.

Thus, it is possible to identify whether a transfer has taken place, but it is impossible to provide accurate information about the price paid or the amount of weapons transfers. Without improved SALW records and substantial research resources, *satransfer* is therefore most responsibly given as a dichotomous variable. At the same time, it remains a crucial component of this analysis. Given the dearth of political and scholarly attention to SALW transfers until recently, there is limited knowledge of states’ patterns of exports in this area. This gap widens when it comes to quantitative analyses and suggests that using available data with an eye informed as to its shortcomings is well worth the effort. The value-added of including *satransfer* is high, not only for the research at hand – SALW have been at the center of policy discussions and the conduit for promoting responsible export controls – but also for arms control research more broadly, which lacks a fundamental understanding of states’ SALW export behavior.

2. Major Conventional Weapons Data on major conventional weapons is significantly better developed than SALW data, thanks largely to the work of SIPRI, which has been compiling and updating worldwide annual data going back to 1950.²² Although limited to major conventional weapons, SIPRI “provides the most painstakingly researched database” available (Brzoska & Pearson 1994: 20) and is an established source in the arms trade literature. The dependent variable for major conventional arms transfers (*mctransfer*) uses the SIPRI trend-indicator value (TIV),²³ which gives a single value to measure the quantity and quality of actual deliveries in a given year (SIPRI 2007: 429).

The TIV is based on an assessment of “the technical parameters of weapons” transferred in an export-import year and is a value representing quantity and quality assigned from “an index that reflects its value as a military resource in relation to other weapons.” (SIPRI 2007: 429). It is neither a financial value nor a record of payments made,²⁴ though it does factor core weapons price into its scale where information is available (429-30).²⁵ Because transfers can include gifts or aid, as well as sales, by way of a multitude of financing methods – including gifts, barter, discounts, credit, and cash – the TIV measure is substantially more useful in comparing transfers from year to year and country to country (Brzoska 2004: 113; SIPRI 2007). Moreover, it

²² SIPRI is the only public source for annual conventional arms trade disaggregated export-import data for non-US exporters. Although there is little quantitative work on the conventional arms trade, researchers often use SIPRI data to illustrate trends in the trade. Post-Cold War examples include: Durch (2000); Golde & Tishler (2004); Harkavy (1994); Khanna (1992); Kinsella (1994); Sánchez-Andrés (2004); Sanjian (1991, 1998); Wulf (1991).

²³ I thank Mark Bromley at SIPRI for providing me this data from the SIPRI Arms Transfer Database from April to June 2006. As of June 2007, this database is online, available at <http://www.sipri.org>.

²⁴ SIPRI argues that identifying an accurate and reliable price figure for weapons is impossible for three reasons: “First, in many cases no reliable data on the value of a transfer are available. Second, even if the value of a transfer is known, in almost every case it is the total value of a deal, which may include not only the weapons themselves but also other items related to these weapons...as well as support systems...and items related to the integration of the weapon in the arms forces. Third, even if the value of a transfer is known, important details about the financial arrangements of the transfer (e.g., credit or loan conditions and discounts) are often unavailable” (SIPRI 2007: 429).

²⁵ For a complete description of SIPRI’s method of calculating its TIVs, see SIPRI (2007: 429-30).

can better factor in sales and gifts of secondhand equipment, to which it would otherwise be difficult to assign a monetary value (Durch 2000: 8). Finally, it is a uniform measure across countries and over time and is constantly updated as new information is made available. Thus while the TIV figures cannot be combined with data from other sources, they are extremely useful for major conventional arms transfer research. No other source presents such comprehensive and consistent data for exporters and importers worldwide, and it can only be hoped that a similar project emerges for SALW transfers in the years to come.

SIPRI data solely covers major convention arms, defined as large weapons with a military purpose, including one of nine categories: aircraft, armored vehicles, artillery, sensors, air defense systems, missiles, ships, engines, or an “other” fulfilling certain qualifications (SIPRI 2007: 428-29). SIPRI consults a wide range of sources in collecting its data, all of which are open to the public: newspapers, books and reference works, official national and international documents, and periodicals and journals (430). Some records, of course, may require an informed estimate on the part of the researcher and tend to err on the side of being conservative (430). Once again, moreover, it is important to acknowledge that in working with public sources, an absence of a recorded transfer in an export-import-year can indicate either “no transfer” or simply missing data – a so-far undetected transfer. However, it remains the most thorough information available for the global major conventional arms trade.

Research Design

Based on the coding of the dependent variable, the statistical analyses are done with either OLS or logit regression techniques using panel-corrected standard errors.²⁶

²⁶ Because the data is presented as dyad-years (exporter-importer-year), panel-corrected standard errors must be used in order to avoid an understatement of errors due to the high number of error parameters involved in panel data, including panel heteroscedasticity and temporal dependence (Beck & Katz

Logit is used for regressions with SALW transfers, which, by necessity, utilize a dichotomous dependent variable.²⁷ OLS can be used only with continuous dependent variables and, therefore, major conventional arms transfers taken from SIPRI's trend-indicator value (TIV). Thus, two separate sets of regressions are performed with each of the dependent variables, allowing for the comparison of trends with SALW and major conventional weapons.

I then specify different models for each of the two independent variables of interest: human rights and internal conflict. Recent work in political methodology cautions against building "garbage can" or "kitchen sink" models that include a wide array of variables that may, or may not, influence the outcome of interest.²⁸ Researchers should instead carefully select variables based on the theoretical relationship between the independent variable of interest and the dependent variable, *and* between the independent variables themselves. Christopher Achen (2002) argues that without a deliberately limited set of independent variables (no more than three, if possible), the effects of variables of interest on the dependent variable will be obscured and distorted by collinearity, non-linearities, and other problems (443; See also Achen 2005). Results from models featuring unnecessary variables are often fragile and highly contingent on precise specifications, and make it more difficult to explore nuances of the relationship between variables of interest and the outcome (Achen 2005; Berk 2004).

1995). Neglecting these considerations and using the standard Park method with such data, as Beck and Katz (1995) find, can lead to incorrect statistical results and invalid research findings. See also Beck (2001).

²⁷ Logistic regression, used with dichotomous dependent variables, tests "whether two variables are linearly related" and calculates "the strength of the linear relationship" if so (Menard 1995: 1). In essence, it indicates "the predicted probability that a case falls into the higher of the two categories on the dependent variable, given its value on the independent variable" (6). In contrast, one of the core assumptions of OLS regression is that the dependent variables are "continuous, unbounded, and measured on an interval or ratio scale" (4).

²⁸ See, for example: Achen (2002, 2005); Kadera & Mitchell (2005); Ray (2003, 2005). For a more general discussion, see Berk (2004).

If scholars are to avoid “garbage can” regressions by limiting the number of variables, then which to include? James Lee Ray (2003) suggests a number of criteria for specifying models, in which he argues that confounding variables – not intervening or competing variables – should be included. That is, models should be limited to only those control variables which threaten to have a confounding effect on the independent variable of interest (see also Kadera & Mitchell 2005). Given that each variable of interest will suggest a different set of possible confounders, it is therefore necessary to specify the models for each of the key independent variables separately. As an added check on these findings, a fully specified model including the complete set of independent variables will follow the more targeted analyses.

Unlike Blanton’s (2000, 2005) research on the United States, the analysis here is performed in a single-stage of arms exports only, rather than a two-stage Heckman model. In a Heckman model, the first step “is the initial gate-keeping stage in which policymakers determine *which nations* are worthy of [in this case] aid, and a second step in which *levels* of assistance are determined for the selected set of nations” (Meernik et al. 1998: 73, emphasis added). However, the accurate use of this model depends on the existence of at least one independent variable relevant to selection stage but not to the amount stage (Achen 1986: 99).²⁹

In the case of arms transfers, it is difficult to argue that variables affecting the selection of recipients do not also affect the level of exports they receive. Anne Sartori (2003) summarizes the problem well and states, “[W]hen theory dictates identical explanatory variables in the two questions, researchers are left with an unhappy choice: to dredge up an extra explanatory variable for the selection equation (leading to specification error if the variable does not belong there) or to identify only from distributional assumptions about the residuals” (112). Indeed, Blanton has trouble with

²⁹ See Achen (1986) and Sartori (2003) for more thorough explanations and discussions of these issues.

this restriction in her own research: In one instance, she simply uses the full model for both equations (Blanton 2000).³⁰ In the second, she reverses the model specification requirements by including all independent variables in the amount stage and excluding a pair of tangential variables from the selection stage (Blanton 2005).³¹ The single-stage model avoids the pitfalls of the two-stage analysis described above. It also acknowledges the reality that factors central to the selection stage are typically also important for the amount stage, which in any case are not distinctly separate stages of export decision-making in practice. Decision-makers do not first decide whether a recipient state is an acceptable customer and then adjust the amount of the arms deal in question. Rather, they approve or deny the export license application as a whole.

In addition, the analysis must be able to identify and compare possible variation in states' behavior over time. If practice does in fact follow policy, export trends will not remain static over time. I therefore run separate regressions for arms transfers for four different time periods: (1) all years, 1981-2004; (2) Cold War years, 1981-1990; (3) all post-Cold War years, 1991-2004; (4) early post-Cold War years, 1991-1997; and (5) late post-Cold War years, 1998-2004, in which regional arms trade agreements and talk of international norms began to proliferate. The results are displayed side by side, so as to illustrate most clearly the influence of independent variables in each of the given time periods.

³⁰ Sartori (2003) notes that Heckman models without the “extra” variable yield results “based only upon the assumptions about distributional assumptions about the residuals rather than upon variation in the explanatory variables. No one who has proposed such an estimator recommends using it with identical explanatory variables in the two equations” (112).

³¹ Blanton (2005) removes variables for Saudi Arabia and GDP in the selection stage but includes them in the amount stage, specifying the model the reverse of the requirements. She provides no explanation for her seemingly puzzling decision to reverse the Heckman model. Moreover, the dummy variable for Saudi Arabia, as Blanton's model itself acknowledges, is of little value for the selection stage and should therefore be excluded from the model entirely (all variables in the amount stage *must* be included in the selection stage). Finally, the research in this chapter will show that GDP is a highly influential variable that can significantly change the results of an equation depending on whether or not it is included. Excluding GDP leads to a poorly specified model and misleading results.

For a more fine-grained approach, I use moving windows (or moving regression) analyses to explore behavior over time (Beck 1983; Swanson 1998).³² Re-estimated models of five-year blocks or “windows” are used for each dependent variable. The models start with 1982, the first year for the lagged independent variables, and add an additional year to each regression until a five-year window has been reached. There are 23 consecutive five-year windows in total, ending in 2004.³³ This technique enables a more nuanced analysis and visually maps trends in arms transfer practice over time, focused here on the independent variables of interest. The use of windows, moreover, enables these models to recognize and illustrate better any changing behavior, which in reality would probably not make abrupt alterations from year to year. Rather, as the moving windows analysis is equipped to show, practices would likely evolve gradually (Swanson 1998: 456-7), as standards become more widespread and commonly accepted by states and domestic actors within them.

Statistical Findings

The results of the quantitative analysis suggest that arms transfer behavior can neither clearly nor consistently be classified as “responsible” or “ethical.” Rather, the overall trends indicate some possibly improving – but far from faultless – behavior with regard to human rights and internal conflict. This section will highlight the important and noteworthy trends and evaluate them in the context of the hypotheses outlined above. Key tables and figures will be provided here, with additional results reproduced in Appendix C and a summary table included at the end of the section.³⁴

³² For recent applications in political science, see also Adolph (2004); Kayser (2007); Kwon and Pontusson (2005).

³³ To illustrate, the first five-year window is 1982-1986, the next is 1983-1987, followed by 1984-1988 and so on.

³⁴ Additional findings on democracy, which has not been formally included in decision-making criteria, are also available in Appendix C.

Human Rights

The model to explore the effects of states' human rights records on their receipt of small and major conventional arms contains three independent variables: GDP per capita as a rough measure of development, democracy, and internal conflict. Each of these variables may not only have an effect on the outcome of interest – the transfer of SALW or MCW – but may also have confounding effects on states' human rights conditions and thus our ability to estimate accurately their effect on export decision-making. According to existing empirical research, there is a negative link between human rights and internal conflict,³⁵ while stronger democracy³⁶ and more advanced economic development³⁷ have been shown to positively influence human rights. Omitting one of these variables therefore has the potential to skew the results. For example, because GDP per capita is affiliated with both positive human rights and arms transfers, its exclusion from the model risks results that over-estimate the relationship between good human rights and arms transfers.

The human rights variable is disaggregated into dummy variables for each level of human rights score,³⁸ which are highlighted in the regression tables. The level of human rights score with no violations (one or “very good”) is removed from the statistical analysis as the reference category for the four remaining dummy variables. Because the majority of wealthy democracies fit into this category and, as recipients, are not the focus of study here, this choice does not detract from the analysis. Recall that if exporter state behavior is to reflect choices of “responsible” transfer policies, at the very least, the highest levels of human rights violations (“very bad”) should reveal

³⁵ See, for example: Krain (1997); Lopez (1986: 90); Poe and Tate (1994); Skocpol (1979).

³⁶ See, for example: Blanton (1999); Bueno de Mesquita et al. (2005); Davenport (1995, 1999); Henderson (1991); Howard and Donnelly (1986); Mitchell and McCormick (1988); Poe and Tate (1994); Rummel (1995); Sloan (1984).

³⁷ See, for example: Davenport (1995); Davenport and Armstrong (2004); Henderson (1991); Mitchell and McCormick (1988); Poe and Tate (1994); Wolpin (1986: 111, 133).

³⁸ See Appendix B, Section 6 for a detailed explanation of human rights variable coding and use.

negative coefficients in the results in the most recent years. Exports driven more by normative concerns than image should go further and exhibit negative coefficients for all categories of human rights scores other than the “good” categories.

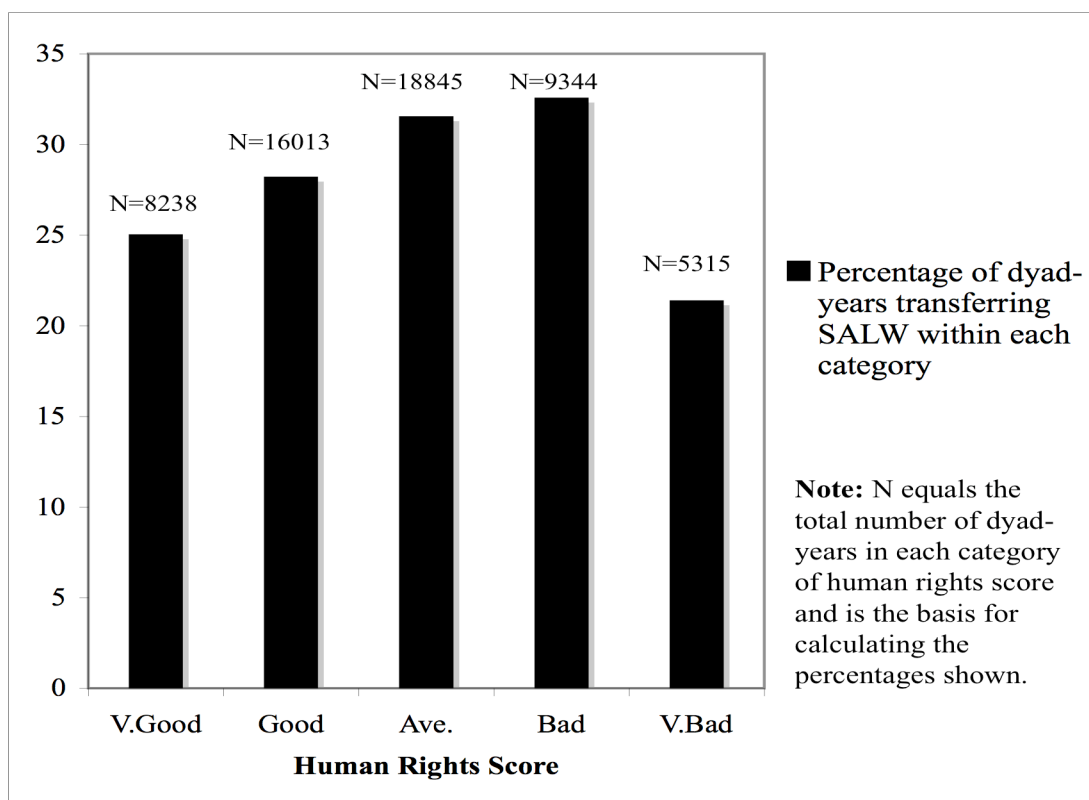


FIGURE 3.1. Percentage of SALW Transfers of Human Rights Score, Democratic Exporters to Non-OECD Recipients

First, a brief look at the descriptive statistics reveals a largely *non-linear* pattern to states’ exports of SALW and MCW and their relationship to recipients’ human rights. States with very good and very bad scores tend to receive smaller percentages of arms transfers, while those states with middling scores receive higher percentages. This is more pronounced with democratic exporters, despite the expectation that they will pay better attention to the laws and norms of the international community.

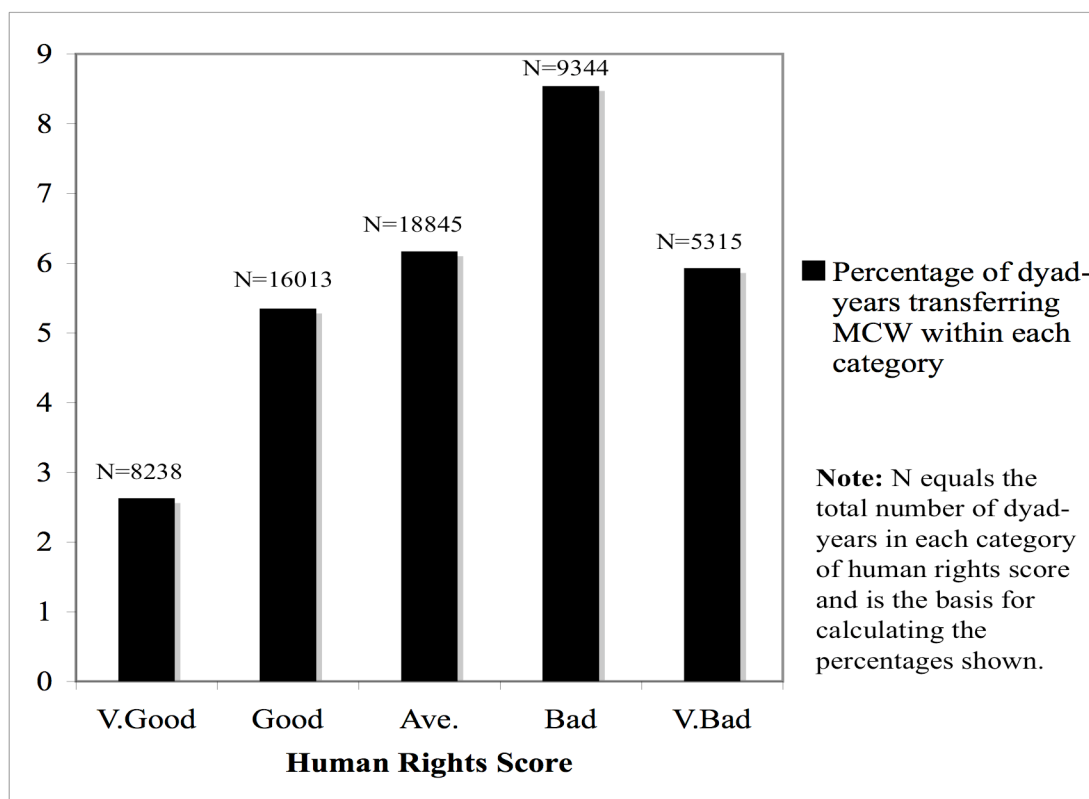


FIGURE 3.2. Percentage of MCW Transfers by Human Rights Score, Democratic Exporters to Non-OECD Recipients

Figures 3.1 and 3.2 illustrate these relationships (see Figures C.1 and C.2 in Appendix C for full sample findings). Each bar indicates the percentage of dyad-years receiving arms from all dyad-years at that level of human rights score. Note that the data is largely non-linear and so should not be treated as such. It is only in one case – the full sample of SALW transfers (Figure C.1) – that a linear relationship appears,³⁹ in which transfers decrease as human rights scores worsen. In the other cases, transfers peak in the middle of the scale – “bad” human rights consistently appear to receive the highest percentage outside of C.1 – and decrease as scores both improve and worsen. In the case of MCW transfers from democracies to non-OECD importers, the level of

³⁹ Figure C.2 comes close to showing a linear relationship, as well. The percentages are fairly consistent across category, except that it peaks with “bad” human rights, like Figures 3.1 and 3.2.

exports to the worst human rights performers is actually *greater* than the level to the best human rights performers. Nevertheless, the percentages of the worst performers are typically on par with or less than the others. Thus it does seem that the worst human rights violators do generally receive lesser, or at least not better, treatment.

TABLE 3.3. Influence of Human Rights on SALW Transfers, Full Sample

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0002** (4.68e-06)	.0002** (.00001)	.0002** (5.92e-06)	.0002** (8.18e-06)	.0002** (7.48e-06)
Democracy	.103** (.003)	.116** (.008)	.101** (.006)	.119** (.008)	.116** (.008)
Internal Conflict (Low)	-.047 (.055)	.184 (.13)	-.004 (.073)	.052 (.105)	.027 (.125)
Internal Conflict (High)	-.310** (.073)	-.183 (.173)	-.051 (.11)	-.281 (.156)	.569** (.182)
Human Rights (Good)	.077 (.055)	-.194 (.117)	.137 (.071)	-.017 (.102)	.120 (.113)
Human Rights (Average)	.187** (.063)	-.123 (.135)	.442** (.083)	.389** (.123)	.163 (.130)
Human Rights (Bad)	.149* (.072)	-.039 (.155)	.316** (.097)	.427** (.143)	.116 (.153)
Human Rights (Very Bad)	-.197* (.087)	-.304 (.190)	.062 (.119)	.341* (.167)	-.271 (.201)
Constant	-2.147** (.075)	-2.416** (.132)	-2.555** (.095)	-2.930** (.126)	-2.141** (.141)
Wald chi2	2656.86	858.36	2042.11	1300.99	1373.14
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	3632	2926	3610	3544	3432
Obs	71988	25696	46292	22554	23738

* Significant at the .05 level; ** Significant at the .01 level

Despite these findings in the descriptive statistics, the regression analyses reveal a somewhat different story. For SALW (Table 3.3, 3.4, and C.1), human rights are only significant for select time periods and levels of violations. Surprisingly, “good” human rights are never significant determinants of export behavior, in either

the full sample (Table 3.3) or that of democratic exporters to their non-OECD trade partners (Table 3.4).⁴⁰ On the other end of the spectrum, “very bad” human rights for the full sample are only significant in the full range of years and in the 1991-1997 timeframe, *not* in the 1998-2004 timeframe suggested by new norms and policies. Even so, it is a *positive* coefficient, indicating that human rights did play a role in export decision-making, just not a punitive one. Results for the non-OECD sample (Table C.1) show a similar pattern. However, this behavior does not replicate itself for the sample of democratic exporters to non-OECD importers. Here, the results do show a negative, significant coefficient for human rights, but during the 1980s, not in the post-Cold War era. While the Cold War data – especially for SALW transfers – must be viewed with skepticism and the likelihood of exaggerated optimism, this is nevertheless an interesting twist on expectations.

Human rights emerge as more consistently significant in the *average* and *bad* categories, where violations are perhaps less clearly and overtly bad as in the worst category. For all samples, average and bad human rights for the full time period are positive and significant throughout much of the 1990s, with a still positive but smaller – and no longer significant – coefficient in the most recent time period. It is possible, therefore, that exporters have started to clean up their behavior since the late 1990s. Nevertheless, the fact remains that countries with poor (but not the worst) human rights scores receive SALW with more frequency than those with the best scores.⁴¹

⁴⁰ The occasional negative coefficients for “good” human rights simply indicate that it receives less than the reference category, “very good” human rights, which is not surprising and should perhaps be the result for *all* categories in the regression analyses.

⁴¹ Of course, there are complex causal relationship between the independent variable of interest, human rights, and the control variable for internal conflict. In the current model, this means in particular that the effects of internal conflict should be interpreted with caution, since internal conflict also influences human rights performance and is in turn influenced by GDP/capita and democracy. See the next section for a separate model on internal conflict. In future iterations of the project, I plan to include appropriate multi- or simultaneous equation models, such as a two-stage least squares model, to address these concerns. See, for example, Achen (2005) and Kennedy (2003).

TABLE 3.4. Influence of Human Rights on SALW Transfers from Democratic Exporters to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0002** (9.99e-06)	.0002** (.00002)	.0002** (.00001)	.0003** (.00002)	.0002** (.00002)
Democracy	.074** (.004)	.063** (.009)	.09** (.006)	.112** (.008)	.095** (.01)
Internal Conflict (Low)	.094 (.063)	.345* (.154)	.118 (.083)	.194 (.121)	.063 (.139)
Internal Conflict (High)	-.203* (.083)	.065 (.190)	-.043 (.124)	-.4* (.177)	.523* (.203)
Human Rights (Good)	-.044 (.072)	-.218 (.158)	-.083 (.094)	-.034 (.128)	.054 (.153)
Human Rights (Average)	.124 (.078)	-.045 (.173)	.277** (.103)	.460** (.147)	.191 (.165)
Human Rights (Bad)	-.018 (.088)	-.049 (.193)	.113 (.117)	.410* (.167)	.134 (.187)
Human Rights (Very Bad)	-.529** (.103)	-.479* (.229)	-.182 (.141)	.313 (.193)	-.347 (.236)
Constant	-2.252** (.093)	-2.229** (.176)	-2.583** (.117)	-3.048** (.153)	-2.324** (.177)
Wald chi2	899.46	152.88	613.39	454.86	306.54
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2855	2013	2837	2653	2467
Obs	48225	15121	33104	16158	16946

* Significant at the .05 level; ** Significant at the .01 level

The coefficients from the logit analysis can provide the direction and significance of the effect of recipients' human rights scores on SALW transfers. However, they cannot provide information about the more substantive relationship between human rights and SALW transfers; that is, whether there is a meaningful difference in effects across the levels of human rights scores on SALW transfers. To gauge the substantive effect of this relationship, Figure 3.3 shows the predicted probabilities for SALW transfers and human rights for 1998-2004.⁴² As a baseline, it

⁴² As King et al. (2000) note, results from nonlinear models can be difficult to interpret and may only provide minimal insight into their substantive effects. Their program, CLARIFY, while commonly used to conduct statistical simulations to address this problem, unfortunately cannot accommodate the time-series, cross-sectional data for the SALW transfer dyad-years contained in the Arms Trade Dataset. Instead, I calculate the predicted probabilities in Excel using the findings in Table 3.4.

demonstrates that a state with “very good” human rights has a 29% predicted chance of receiving SALW from a given exporter in any particular year. This *increases* slightly as human rights performance deteriorates, peaking at a 33% chance for “bad” human rights performers. However, the predicted probability registers a significant decrease and falls sharply to 23% for “very bad” human rights violators. In short, even in the most recent years, supplier states appear to respond to the increase in demand from poor human rights performers, except to recipients with the worst human rights records.

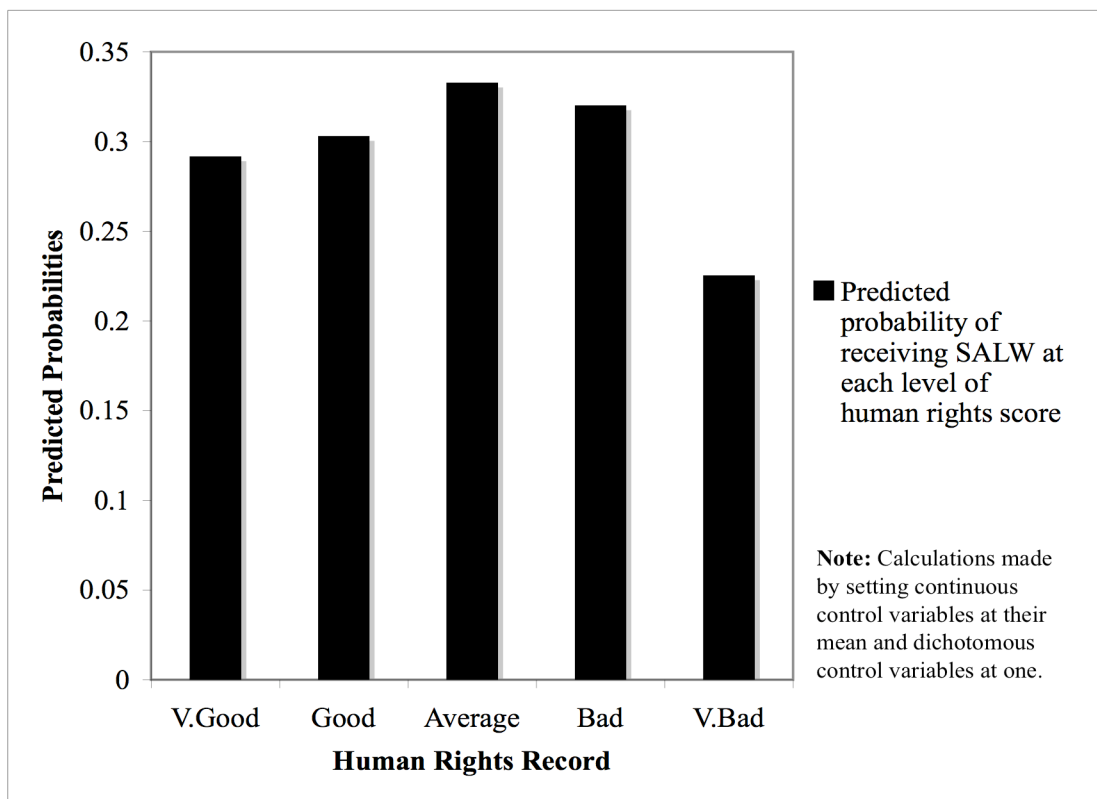


FIGURE 3.3. Predicted Probabilities for Human Rights and SALW Transfers from Democratic Exporters to Non-OECD Recipients (1998-2004)

International activity in recent years has been much more prominent and widespread on the issue of SALW. Due a contentious history of multilateral

negotiations, international efforts on MCW, in contrast, have concentrated on transparency with less of a connection to human rights outside of democratic exporters. Consequently, perhaps, two important and striking differences between the types of arms transfers appear from the MCW results (Tables 3.5, 3.6, and C.2). First, *all* levels of human rights are significant for all times periods.⁴³ Clearly, human rights do matter for MCW transfer decision-making, even during the Cold War era.

TABLE 3.5. Influence of Human Rights on MCW Transfers, Full Sample

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0006** (.00005)	.001** (.0001)	.0006** (.0001)	.0007** (.0001)	.0005** .0000568
Democracy	-.068 (.047)	.036 (.104)	.024 (.053)	.065 (.075)	-.006 (.071)
Internal Conflict (Low)	3.412** (1.274)	5.201 (2.786)	1.948 (1.293)	2.915 (1.726)	.533 (1.917)
Internal Conflict (High)	9.821** (2.16)	7.021 (3.906)	7.570** (2.243)	7.440** (2.673)	8.022 (4.265)
Human Rights (Good)	2.207** (.845)	2.718 (1.480)	3.959** (.997)	4.794** (1.644)	4.131** (1.166)
Human Rights (Average)	5.052** (.883)	9.723** (1.679)	4.831** (.984)	6.655** (1.750)	4.416** (1.094)
Human Rights (Bad)	8.565** (1.275)	14.956** (2.881)	9.341** (1.435)	8.932** (1.935)	10.936** (2.099)
Human Rights (Very Bad)	4.618* (1.810)	16.868** (4.153)	4.339** (1.598)	4.618* (2.115)	4.814** (2.838)
Constant	-.074 (.791)	-.794 (1.1572)	-2.510** (.960)	-3.14* (1.584)	-2.884 (1.151)
Wald chi2	246.05	171.17	161.11	69.68	103.84
R ²	0.0042	0.0053	0.0057	0.0065	0.0058
Dyads	3632	2926	3610	3544	3432
Obs	71988	25696	46292	22554	23738

* Significant at the .05 level; ** Significant at the .01 level

Second, there are *no* cases in which human rights performance negatively affects transfers. Not only are all coefficients significant, they are also all positive,

⁴³ The one minor exception is the 1981-1990 timeframe for “good” human rights in the full sample.

demonstrating that the worst human rights scores receive more arms than the best. The effects are also larger in the middle-range scores, though in the non-OECD samples “very bad” importers still take home more merchandise than those with “good” scores. According to these findings, then, violators are not punished for poor human rights behavior but rather rewarded, although perhaps by a smaller and decreasing amount by democratic exporters to non-OECD recipients (Table 3.6).

TABLE 3.6. Influence of Human Rights on MCW Transfers from Democratic Exporters to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.001** (.0001)	.002** (.0002)	.001** (.0001)	.002** (.0002)	.0008** (.0002)
Democracy	-.055 (.034)	.269** (.076)	-.063 (.045)	-.064 (.069)	-.031 (.055)
Internal Conflict (Low)	2.438** (.867)	3.006 (1.682)	1.442 (.981)	1.204 (1.67)	1.375 (1.043)
Internal Conflict (High)	2.171** (.695)	1.808 (1.404)	.478 (.671)	.086 (1.138)	.713 (.780)
Human Rights (Good)	2.705** (.502)	7.838** (1.274)	1.786** (.501)	2.787** (.771)	1.452** (.463)
Human Rights (Average)	5.991** (.629)	12.149** (1.444)	4.482** (.677)	6.536** (1.269)	3.511** (.668)
Human Rights (Bad)	5.445** (.755)	10.718** (1.394)	5.056** (.873)	7.069** (1.282)	3.966** .9982104
Human Rights (Very Bad)	2.737** (.763)	7.472** (1.355)	2.921** (.856)	4.022** (1.262)	2.964* (1.261)
Constant	-3.301** (.539)	-5.779** (1.036)	-3.097** (.662)	-4.367** (1.033)	-2.854** (.829)
Wald chi2	166.08	105.09	82.39	52.26	41.95
R ²	0.0099	0.0113	0.0108	0.0122	0.0128
Dyads	2855	2013	2837	2654	2467
Obs	48225	15121	33104	16158	16946

* Significant at the .05 level; ** Significant at the .01 level

In general, then, it appears as though states’ commitment to responsible exports in the realm of human rights leaves much to be desired in practice. While the

significance and possibly implementation of human rights criteria do vary between types of weapons transfers, one additional point deserves mention for both: controlling for recipient wealth matters. It is only in removing GDP per capita⁴⁴ from the regressions that human rights scores become consistently negative (of mixed significance) across levels of human rights scores and types of transfers. Thus it appears as though recipients' available economic resources are extremely influential in their ability to get weapons, whatever their human rights records.

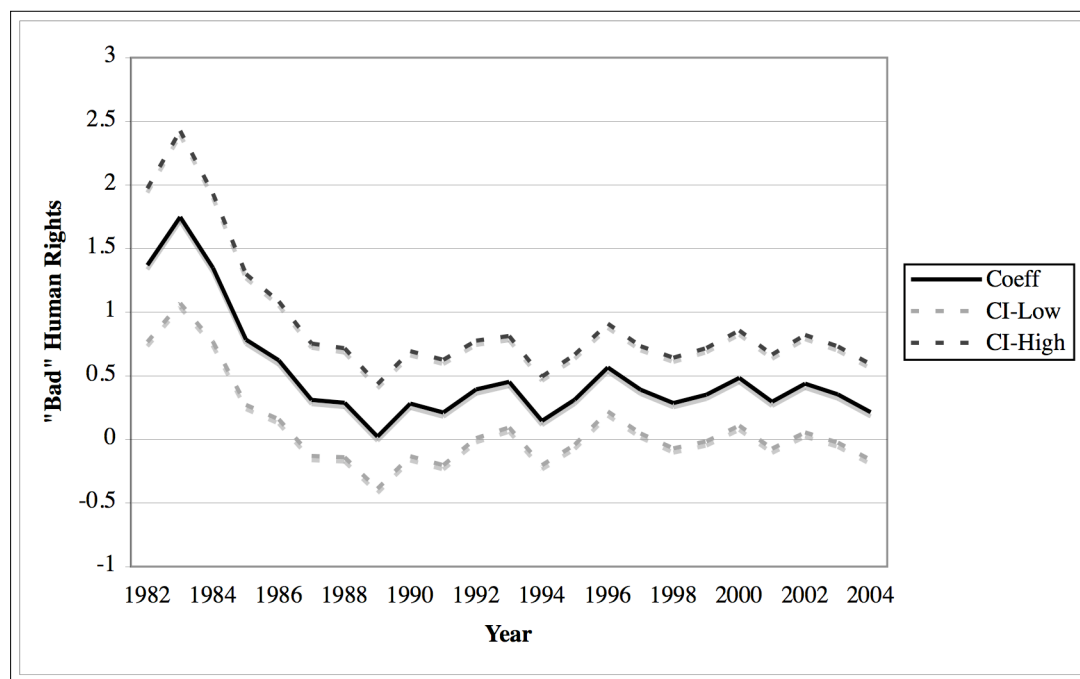


FIGURE 3.4. Moving Windows, “Bad” Human Rights and SALW Transfers, Full Sample

⁴⁴ Removing other control variables does not produce similar changes.

The results from the moving windows analyses (Figures 3.4-3.7 and C.3-C.10 in Appendix C⁴⁵) demonstrate these results with greater nuance. Figures 3.4-3.7 provide the coefficients and confidence intervals for “bad” and “very bad” human rights performers.⁴⁶ What is immediately evident in the former category (Figures 3.4 and 3.5) is the consistently positive value of the range of possible coefficients for both types of weapons transfers. While the low range of SALW transfers flirts briefly with negative values, the overall message can be read simply and confidently: Bad human rights are positively associated with weapons transfers. Moreover, this remains extremely consistent over time.

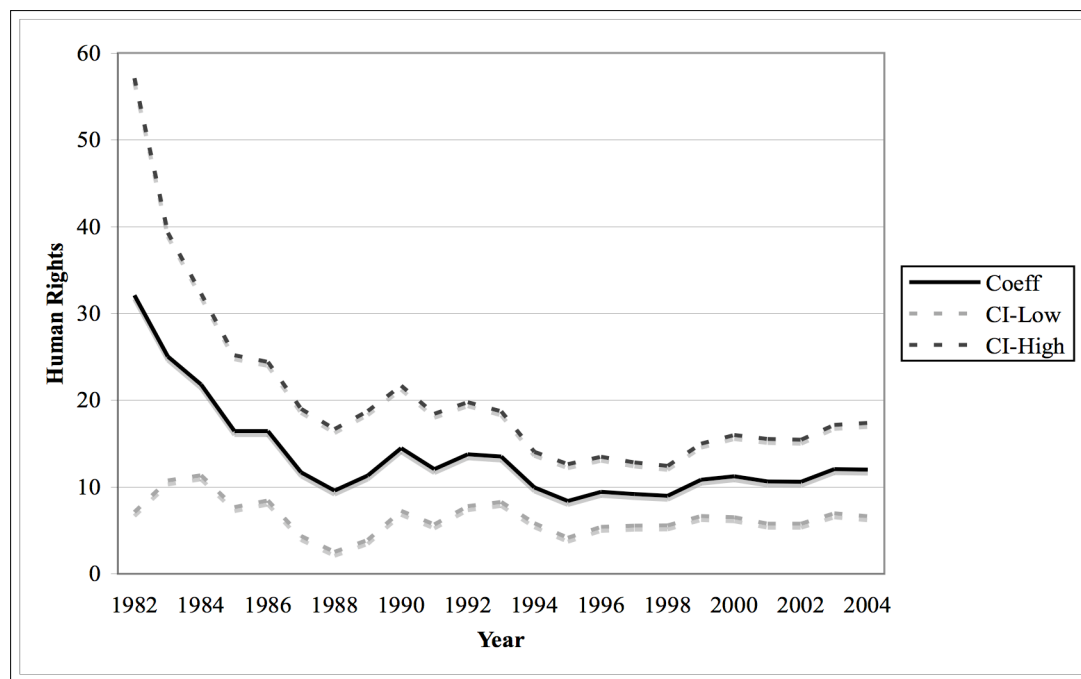


FIGURE 3.5. Moving Windows, “Bad” Human Rights and MCW Transfers, Full Sample

⁴⁵ Because results for the reduced sample – democratic exporters to non-OECD importers – are quite similar to the full sample, moving window figures are provided as supplementary results in the appendix.

⁴⁶ See Appendix C for results from the more specified sample, as well as for all levels of human rights scores.

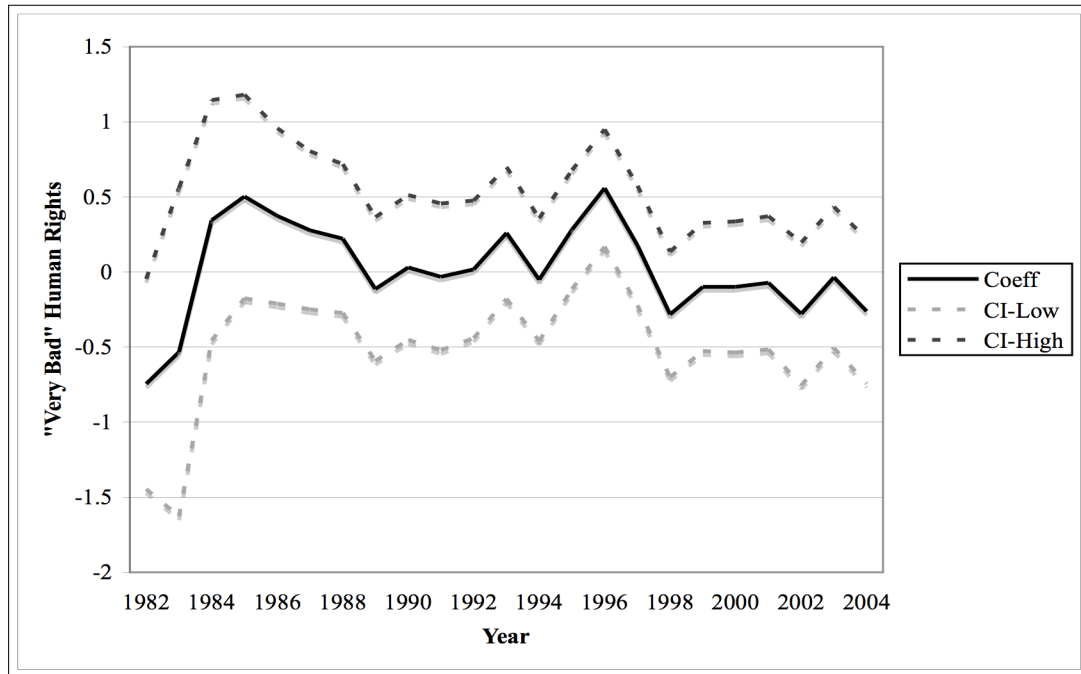


FIGURE 3.6. Moving Windows, “Very Bad” Human Rights and SALW Transfers, Full Sample

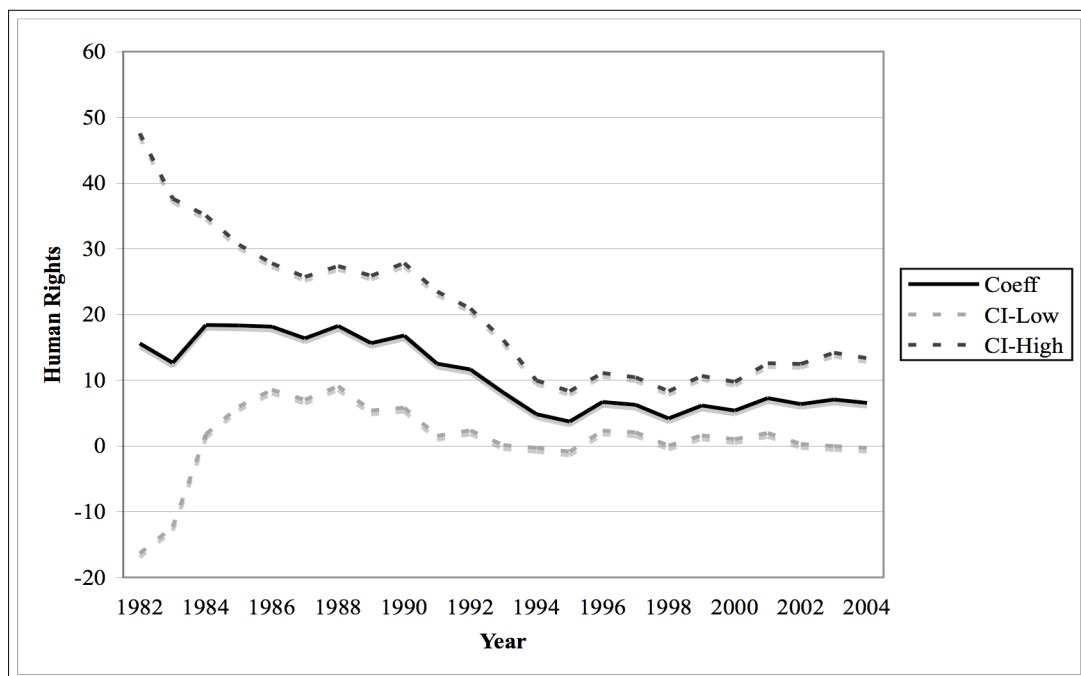


FIGURE 3.7. Moving Windows, “Very Bad” Human Rights and MCW Transfers, Full Sample

Transfers to “very bad” human rights violators, however, reveal more of a mixed picture (Figures 3.6, 3.7, C.6, and C.10). SALW exports in this category are on the one hand noticeably less positive than for “bad” human rights violators (Figures 3.6 and C.6). For all but 1996, the lower confidence interval is decidedly negative, and the coefficient itself becomes and remains negative after 1998. From this perspective, it appears as though states’ SALW export behavior might be conforming to expectations for exports to the most severe of human rights violators. On the other hand, the upper confidence interval remains positive, if somewhat decreased after 1998. With this in mind, the alternative – that “very bad” human rights scores might not matter for export decision-making and that supplier behavior has not substantively or significantly changed – cannot be rejected.

In contrast, MCW transfers remain fairly unchanging (Figures 3.7 and C.10). Although SALW transfers to “very bad” recipients *may* have declined, MCW transfers leave no similar question in mind. They have long been and continued to be significant for export behavior, but not in the anticipated punishment response. Rather, business as usual for MCW transfers continues to supply even the worst human rights violators and seems more immune to policy and normative change. Thus, hypotheses that anticipate behavioral change appear unrealized in the case of MCW transfers.

Internal Conflict

With weapons – especially small arms – a direct tool of internal conflict, a relationship between conflict and the arms trade would not be surprising. Of course, conflict also indicates a demand for arms within a state, and therefore a potential market for exporters. To explore the role of civil and ethnic conflict in arms export decision-making, three control variables, in addition to the dummy variables for low and high levels of internal conflict, are included in the model: Military expenditures,

GDP per capita, and population.⁴⁷ The potential relationship between military expenditures and conflict is direct. As states devote more resources to the military, their ability to engage in conflict – and extend engagement in conflict – increases.⁴⁸ Alternatively, higher GDP per capita (and economic performance overall) has been found to have a depressive effect on conflict.⁴⁹ Finally, large populations have been associated with increased possibility for conflict, especially in poorer societies, which scholars suggest is the result of more severe pressures on environmental and social resources.⁵⁰

⁴⁷ The model for internal conflict differs from that for human rights, because I focus variable selection on those that have a potentially confounding effect on inferences about the relationship between the independent variable of interest and the outcome. These are naturally different for each of the three independent variables. In an effort to minimize the number of included variables, I excluded human rights from the model focusing on internal conflict. For those uncomfortable with this strategy, however, I include a full model with all discussed variables later in the chapter.

⁴⁸ See, for example: Craft and Smaldone (2002); Henderson and Singer (2000); Kamiya and Wils (1998).

⁴⁹ See, for example: Auvienen (1997); Bates (2001); Berdal and Malone (2000); Blomberg and Hess (2002); Collier et al. (2003); Collier and Hoeffler (2002a, 2002b); Craft and Smaldone (2002); De Soto (1989); Duffield (2001); Hauge and Ellingsen (1998); Henderson and Singer (2000).

⁵⁰ See, for example: Choucri (1984); Ehrlich and Ehrlich (1990); Hauge and Ellingsen (1998); Hirshleifer (2001); Homer-Dixon (1994); Kamiya and Wils (1998); Kaplan (1994); Tir and Diehl (1998). For an alternate view, in which population increases can create incentives to *end* wars by putting pressure on resources, see Simon (1989).

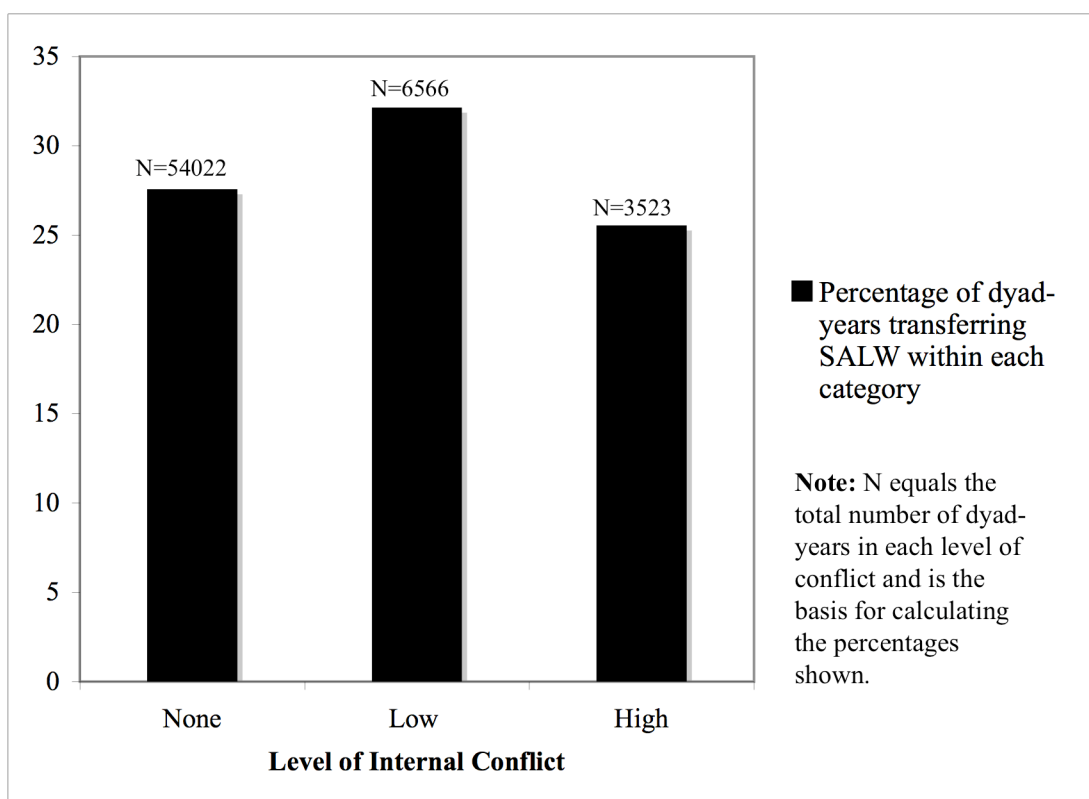


FIGURE 3.8. Percentage of SALW Transfers by Level of Internal Conflict from Democratic Exporters to Non-OECD Recipients

Simple cross-tabulations show a pattern different from the human rights data. Percentages of small arms transfers from democracies are highest to states engaged in low-level internal conflict and similar for the other categories (Figure 3.8), although in the full sample (C.11) no conflict and low-level conflict are similar. MCW transfers appear less attentive to conflict, however (Figures 3.9 and C.12). In both the full and focused samples, the percentages of MCW transfers are highest in the high-level conflict category. In general, export restraint to conflict zones on the part of suppliers is not clearly demonstrated and may be missing altogether in the case of MCW transfers, where the percentage transfers are also noticeably higher than the percentage no transfers.

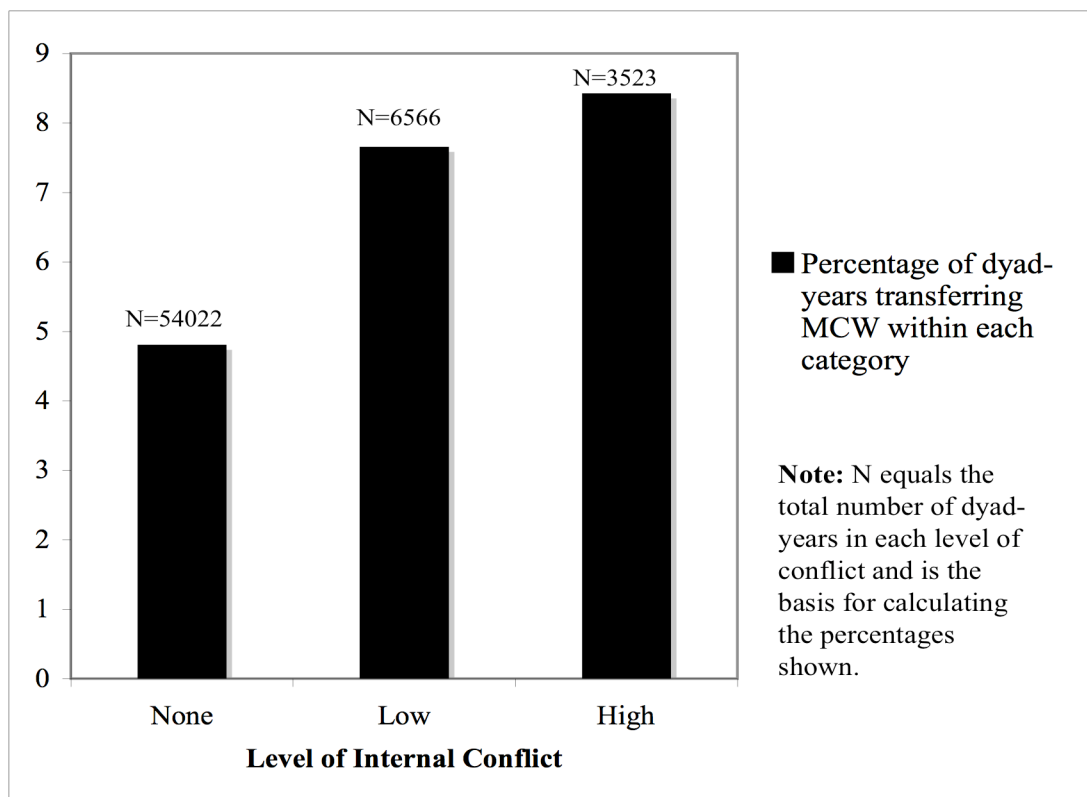


FIGURE 3.9. Percentage of MCW Transfers by Level of Internal Conflict from Democratic Exporters to Non-OECD Recipients

The regression results for internal conflict are, like human rights, mixed. For SALW transfers (Tables 3.7, C.3, C.4), the significance of the conflict variables is inconsistent, despite a primary role of small arms – rather than major arms – in internal conflict. Still, a number of trends are worth noting. First, high level internal conflict is negative for all years in the full sample but becomes positive in the 1998-2004 timeframe with non-OECD recipients. Second, supplier behavior potentially improves over time to states engaged in low-level conflict. During the 1980s, SALW transfers are positively associated with low-level conflict, perhaps reflecting efforts to supply small proxy wars. By the late 1990s and early 2000s, the relationship flips to negative consistently across samples, suggesting that those states with low-level internal conflicts are now *less* likely to receive supplies of SALW.

TABLE 3.7. Influence of Internal Conflict on SALW Transfers, Full Sample

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.058** (.006)	-.003 (.012)	-.051** (.008)	-.045** (.01)	-.035* (.014)
GDP/Capita	.0002** (4.23e-06)	.0002** (.00001)	.0002** (4.26e-06)	.0002** (6.51e-06)	.0002** (5.68e-06)
Population	4.53e-09** (2.35e-10)	3.39e-09** (6.46e-10)	4.10e-09** (3.25e-10)	3.29e-09** (4.55e-10)	3.83e-09** (4.40e-10)
Internal Conflict (Low)	-.025 (.056)	.514** (.137)	-.019 (.073)	.108 (.105)	-.295* (.123)
Internal Conflict (High)	-.637** (.075)	-.314 (.188)	-.29** (.108)	-.348* (.153)	-.017 (.178)
Constant	-1.853** (.064)	-2.880** (.105)	-1.822** (.074)	-2.175** (.087)	-1.405** (.091)
Wald chi2	.	529.90	.	964.23	1144.11
Prob > chi2	.	0.0000	.	0.0000	0.0000
Dyads	3657	2948	3417	3285	3212
Obs	60577	20415	40162	19460	20702

* Significant at the .05 level; ** Significant at the .01 level

As in the case of human rights, however, the substantive effect of the level of internal conflict on SALW transfers are difficult to discern from the logit analysis. Figure 3.10 illustrates the predicted probabilities for the relationship between internal conflict and SALW transfers in 1998-2004. It shows that there is little difference in the predicted chance (both about 46%) of receiving SALW for no internal conflict and high-level internal conflict. Yet there is a substantive decrease to 39% in the probability of receiving SALW transfers for low-level internal conflict. In other words, low – not high – levels of internal conflict appear to have a greater dampening effect on SALW exports. Markets for arms may matter more than the severity of the conflict. However, it might also suggest that suppliers see a preventative role to be played in low-level conflicts to reduce arms transfers in order to inhibit conflict escalation – but that such a role disappears if a conflict has already escalated.

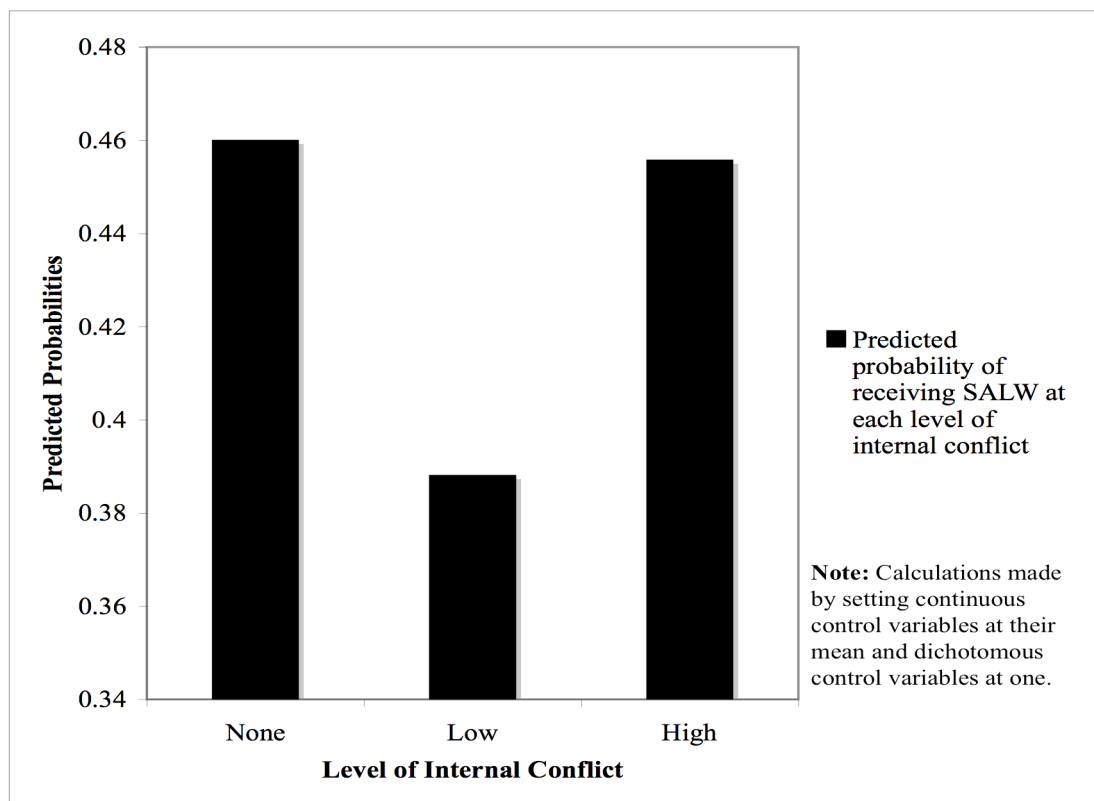


FIGURE 3.10. Predicted Probabilities for Level of Internal Conflict and SALW Transfers from Democratic Exporters to Non-OECD Recipients (1998-2004)

MCW transfers tell a very different story (Tables 3.8, 3.9, and C.5). While they appear relatively significant for export behavior in the full sample (Table 3.8) – involvement in an internal conflict positively influences the receipt of SALW – the significance all but disappears with the non-OECD samples (Tables 3.9 and C.5). Moreover, both low and high level internal conflicts are positively associated with MCW transfers, although civil and ethnic wars are fought primarily with SALW, not major conventional weapons. Interestingly, it is only with exports by democracies in the high-level conflict category before 1998 that some of these positive coefficients become negative (Table 3.9).⁵¹

⁵¹ Unlike the human rights model, removing GDP per capita or any other control variables from the regression does not substantially alter the direction of results.

TABLE 3.8. Influence of Internal Conflict on MCW Transfers, Full Sample

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	1.024** (.102)	2.152** (.292)	.424** (.077)	.417** (.135)	.402** (.086)
GDP/Capita	.0004** (.00004)	.0005** (.0001)	.0004** (.00004)	.0005** (.00008)	.0003** (.00004)
Population	6.43e-08** (1.07e-08)	1.35e-07** (3.45e-08)	5.23e-08** (1.05e-08)	3.75e-08** (8.24e-09)	6.52e-08** (1.86e-08)
Internal Conflict (Low)	2.583* (1.199)	-.217 (2.279)	2.754* (1.260)	3.997* (1.743)	1.348 (1.762)
Internal Conflict (High)	6.123** (2.162)	4.368 (3.587)	4.501* (2.291)	5.994* (3.03)	2.018 (4.036)
Constant	-.305 (.445)	-2.989* (1.230)	.077 (.359)	.706 (.611)	-.445 (.437)
Wald chi2	236.38	106.11	162.01	73.65	96.03
R ²	0.0152	0.0235	0.0154	0.0100	0.0234
Dyads	3657	2948	3417	3285	3212
Obs	60577	20415	40162	19460	20702

* Significant at the .05 level; ** Significant at the .01 level

TABLE 3.9. Influence of Internal Conflict on MCW Transfers from Democratic Exporters to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	.635** (.086)	1.310** (.243)	.346** (.085)	.403* (.158)	.173* (.073)
GDP/Capita	.001** (.0001)	.001** (.0002)	.001** (.0001)	.001** (.0002)	.0008** (.0002)
Population	1.36e-08** (1.68e-09)	4.85e-08** (9.98e-09)	9.09e-09** (9.72e-10)	1.23e-08** (1.80e-09)	6.44e-09** (8.96e-10)
Internal Conflict (Low)	2.243* (.895)	1.195 (1.993)	2.292* (1.011)	2.542 (1.694)	2.072 (1.138)
Internal Conflict (High)	.124 (.751)	-2.508 (1.744)	-.013 (.463)	-.456 (.760)	.624 (.557)
Constant	-1.038** (.390)	-1.806 (1.025)	-1.092** (.419)	-1.000 (.709)	-.984* (.473)
Wald chi2	167.25	63.40	144.95	83.51	70.99
R ²	0.0127	0.0220	0.0113	0.0113	0.0133
Dyads	2787	1932	2630	2403	2258
Obs	38793	11182	27611	13420	14191

* Significant at the .05 level; ** Significant at the .01 level

The moving windows analyses (Figures 3.11-3.16 and C.13-C.18) generally reflect the more static findings. Most immediately, two trends related to SALW transfers jump out (Figures 3.11 and C.13). First, *high* intensity conflict shows a negative relationship, while *low* intensity conflict shows a positive one. That is, states involved in low intensity conflicts are more likely to receive SALW, but states involved in high intensity conflicts are less likely to receive arms. Second, the trends begin to converge in recent years. The coefficients for high intensity conflict move toward positive territory from 1998 to 2004, just as the coefficients for low intensity conflict decrease over time and become negative after 2000. Indeed, by 2000, states involved in high intensity internal conflicts surprisingly appear more likely to receive SALW than their low intensity counterparts.

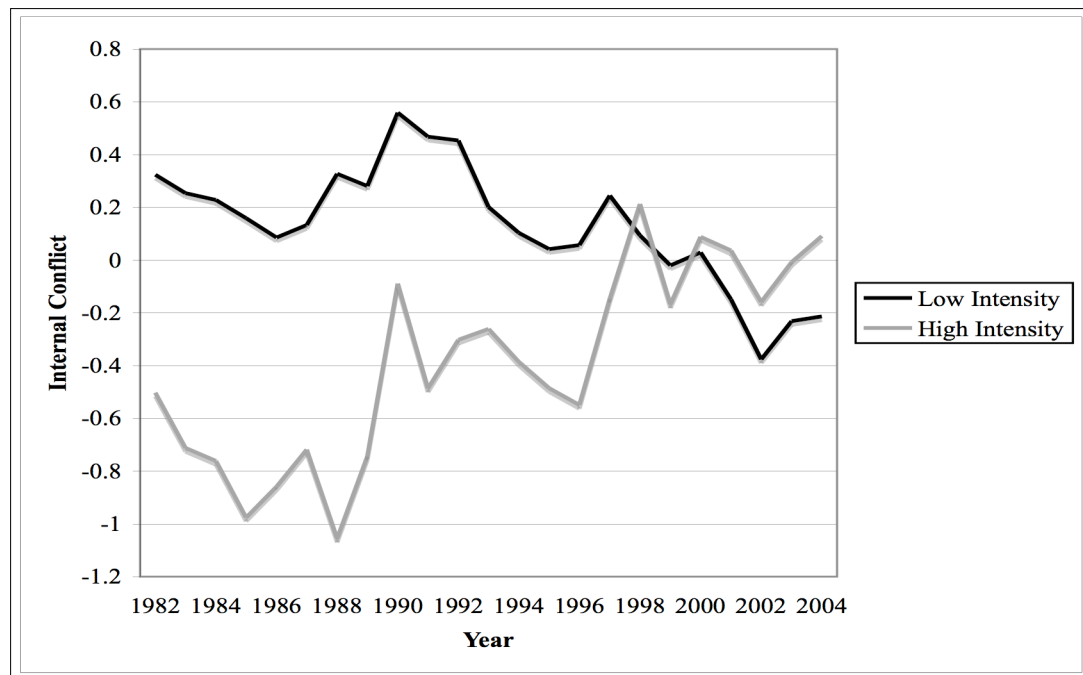


FIGURE 3.11. Moving Windows, Internal Conflict and SALW Transfers, Full Sample

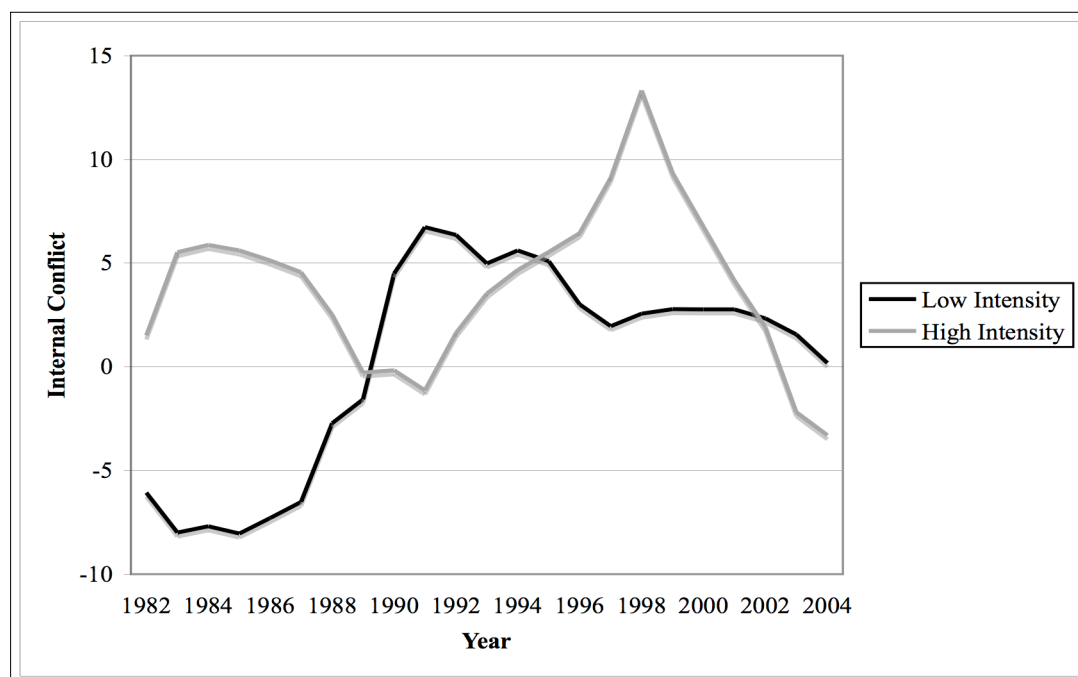


FIGURE 3.12. Moving Windows, Internal Conflict and MCW Transfers, Full Sample

MCW transfers also seem to converge in recent years, but the relationships are more consistently positive throughout the period of study (Figures 3.12 and C.16). Apart from the low intensity conflicts in the 1980s, states engaged in *either* high or low intensity internal conflicts are more likely to receive arms than those in the reference category (no conflicts). However, after peaking in 1991, the coefficients for low intensity conflict decline gradually toward zero, while high intensity conflict coefficients continue to escalate until 1998, after which they drop rapidly below zero. This does suggest eventually some more compliant MCW export behavior over time, but the range of coefficients must be examined to make such a conclusion with any confidence for either set of weapons transfers.

Figures 3.13 and 3.14 (as well as C.14 and C.17) illustrate the range of coefficients for the influence of low intensity conflicts on SALW and MCW transfers

respectively. In the case of SALW transfers (Figures 3.13 and C.14), there is a steady decline downward – that is, a positive but declining relationship between SALW transfers and low-level internal conflict – but the upper confidence interval is negative only in 2002. Certainly, it does not appear that low level internal conflict significantly inhibits SALW transfers. Indeed, with a confidence interval most often covering both positive and negative values, it is impossible to reject the possibilities that change has not occurred and that low intensity conflict is unimportant to SALW transfer decision-making in most years.

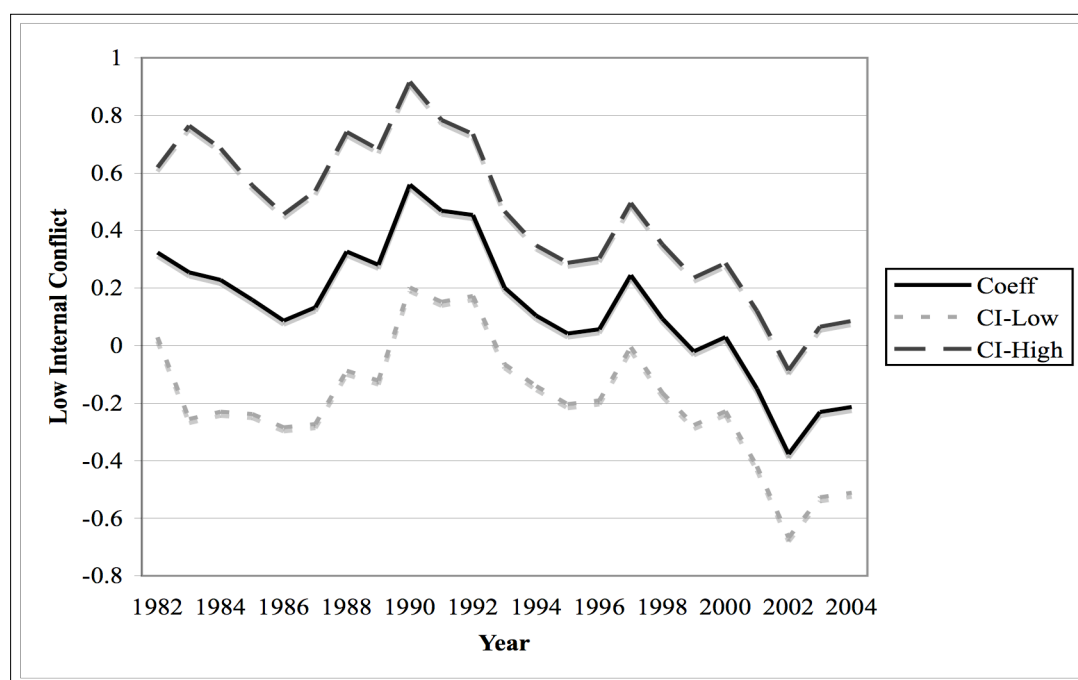


FIGURE 3.13. Moving Windows, Low Level Internal Conflict and SALW Transfers, Full Sample

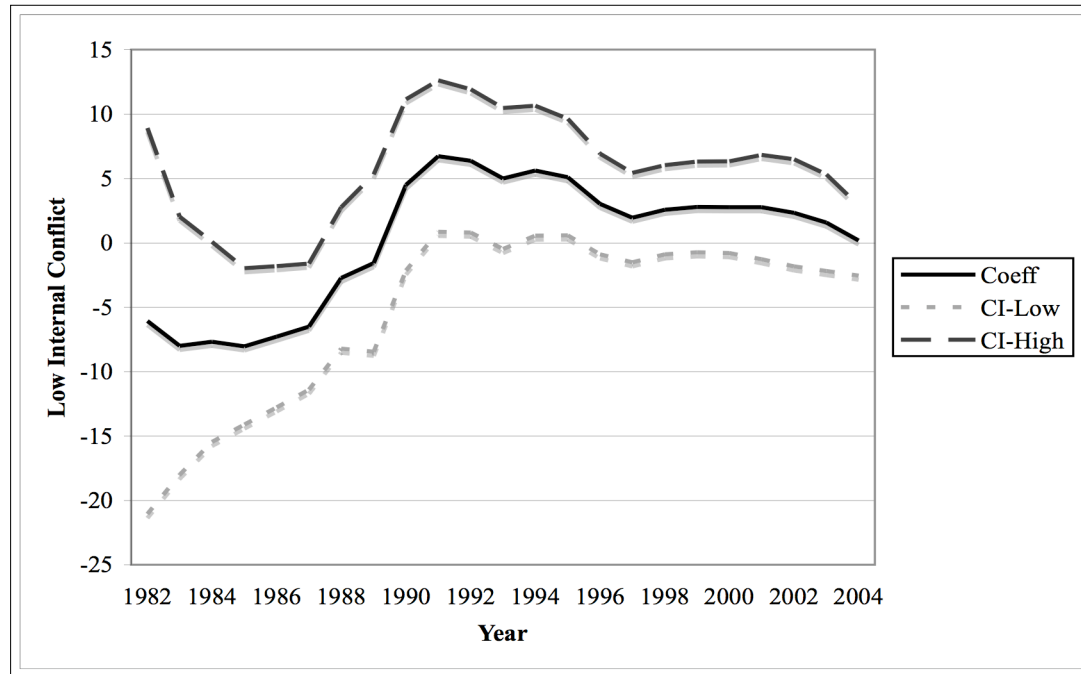


FIGURE 3.14. Moving Windows, Low Level Internal Conflict and MCW Transfers, Full Sample

The relationship between MCW transfers and low intensity conflict is more consistently positive (Figures 3.14 and C.17). While low intensity conflict participants may have been less likely to receive MCW during the mid-1980s, they are more likely to receive them during the 1990s. Yet the lower confidence interval does stay negative after 1996, skirting the zero axis and opening up similar questions of significance for MCW transfers. The trends for the focused sample suggest no noteworthy differences in the practices of democratic exporters.

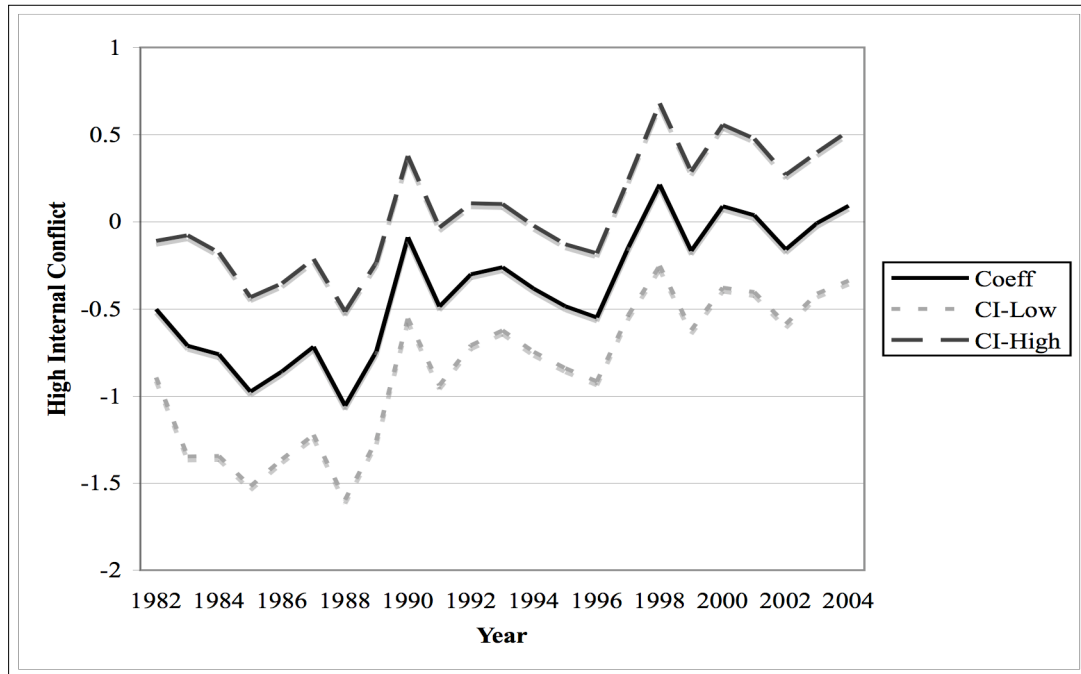


FIGURE 3.15. Moving Windows, High Level Internal Conflict and SALW Transfers, Full Sample

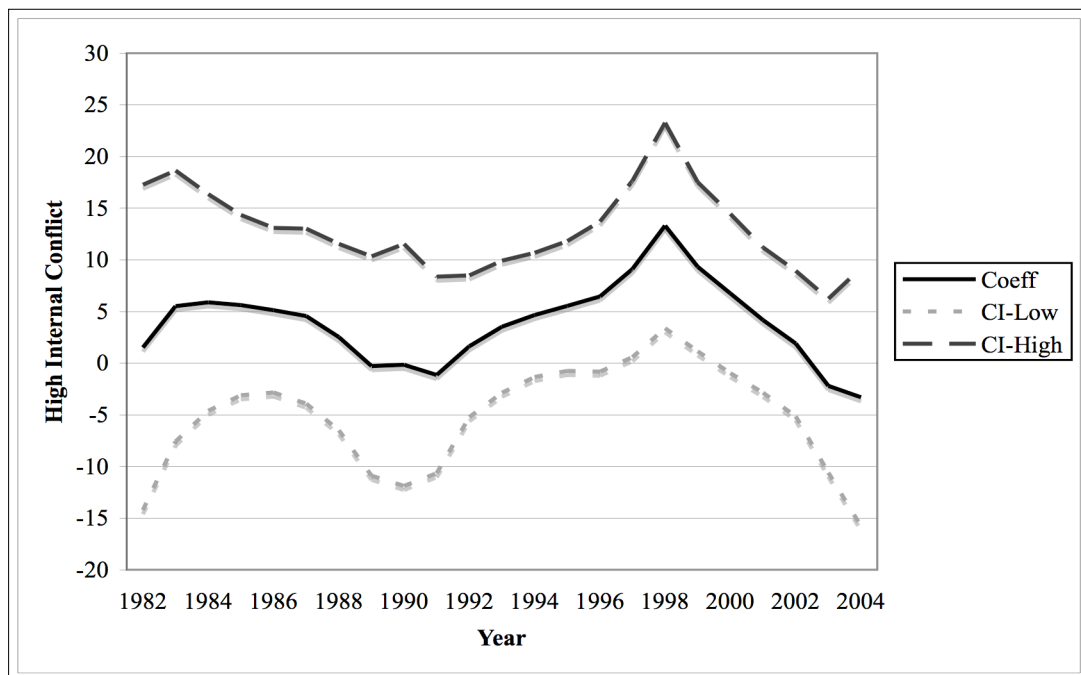


FIGURE 3.16. Moving Windows, High Level Internal Conflict and MCW Transfers

For high intensity internal conflict, the trends look even less compliant. In contrast to the declining relationship between low intensity conflict and SALW transfers, the relationship between high intensity conflict and SALW transfers has moved generally upward since 1990 (Figures 3.15 and C.15). States engaged in high intensity conflicts during much of the 1990s and even – surprisingly – during the Cold War were less likely to receive supplies of SALW. The results after 1997, however, suggest an insignificant but increasingly positive effect that holds for the full sample, as well as the focused sample of democratic exporters to non-OECD recipients.

In the case of MCW transfers, there is a steeply declining relationship with high intensity conflict after 1998 (Figure 3.16 and C.18). Still, that relationship is largely positive throughout. Indeed, export behavior seems to become less compliant during much of the 1990s before reversing its course at the end of the decade. The upper confidence interval declines but never approaches negative numbers, while the coefficients themselves are only negative in 1989-1990 and 2003-2004. It is therefore difficult to conclude with any certainty that suppliers' behavior has become genuinely more compliant (or at least less non-compliant). In addition, the possibility cannot be ignored that there is no significant effect of high intensity conflict on MCW transfers.

Full Model

Following recent discussion in the political methodology literature, the previous models have focused on a carefully delimited set of independent variables. As a number of scholars argue, there are good reasons for being cautious about “garbage can” specifications (Achen 2002, 2005; Kadera & Mitchell 2005; Ray 2003, 2005). Nevertheless, it can be interesting to examine more fully specified models that include variables emphasized by other arguments. The full model therefore places all

independent variables of interest side by side, along with other explanatory variables important to the arms transfer literature (see Table 3.2).

It reveals results similar to the focused models above. Once again, it is clear that practice often does a poor job of reflecting policy. Yet export behavior for SALW (Tables 3.10, C.10, C.11) is quite different from that for MCW (Tables 3.11, C.12, C.13) – and possibly more standard-compliant. The role of human rights, however, presents mixed results for both types of transfers. For SALW, human rights appears to play an overall insignificant role until the late 1990s, when it emerges as significant in all human rights categories except “bad”.⁵² It is positively associated with all categories except “very bad,” where, for the first time, it demonstrates a negative and significant relationship with SALW transfers. This is a distinct change from the early post-Cold War results showing a positive and insignificant relationship between SALW transfers and “very bad” human rights.

⁵² With “all recipients” only.

TABLE 3.10. SALW Transfers, Full Model

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.019** (.006)	.037** (.012)	-.019* (.008)	-.011 (.009)	-.027 (.017)
GDP/Capita	.0002** (5.46e-06)	.0002** (.00001)	.0002** (7.15e-06)	.0002** (9.03e-06)	.0002** (.00001)
Democracy	.101** (.004)	.098** (.009)	.092** (.007)	.107** (.009)	.088** (.011)
Human Rights (Good)	.026 (.068)	.003 (.135)	-.043 (.089)	-.357** (.116)	.334* (.159)
Human Rights (Average)	.211** (.078)	.045 (.157)	.308** (.103)	.095 (.138)	.456* (.178)
Human Rights (Bad)	.192* (.089)	.095 (.182)	.146 (.119)	.213 (.16)	.357 (.205)
Human Rights (Very Bad)	-.065 (.106)	-.060 (.224)	-.041 (.144)	.26 (.187)	-.539* (.272)
External Conflict (Low)	-.204** (.131)	-.334 (.207)	.269 (.202)	.577* (.235)	.144 (.489)
External Conflict (High)	-.982 (.136)	-1.031 (1.457)	-.914** (.144)	-1.34** (.163)	.819* (.392)
Internal Conflict (Low)	.009 (.063)	.135 (.143)	.122 (.085)	.013 (.114)	-.151 (.161)
Internal Conflict (High)	-.544** (.088)	-.450* (.201)	-.272* (.129)	-.516** (.170)	.219 (.238)
Alliance	1.70** (.117)	2.955** (.261)	1.983** (.146)	1.769** (.182)	3.259** (.245)
Colony	2.821** (.267)	3.217** (.362)	3.054** (.298)	2.898** (.312)	4.099** (.400)
Oil Production	.627* (.278)	-1.218* (.505)	.193 (.345)	.674 (.374)	.758 (.518)
Population	4.00e-09** (3.67e-10)	2.61e-09** (6.38e-10)	3.56e-09** (4.04e-10)	2.79e-09** (4.46e-10)	3.45e-09** (5.13e-10)
Constant	-2.325** (.090)	-2.998** (.160)	-2.461** (.118)	-2.577** (.145)	-2.368** (.195)
Wald chi2	2702.29	1008.32	1903.19	1288.03	1124.44
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	3407	19451	3190	3080	2948
Obs	51636	2688	32185	18127	14058

* Significant at the .05 level; ** Significant at the .01 level

TABLE 3.11. MCW Transfers, Full Model

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	1.003** (.112)	1.917** (.287)	.34** (.091)	.373* (.15)	.399** (.127)
GDP/Capita	.00007 (.00008)	-.0003 (.0002)	.0003** (.00008)	.0003* (.0001)	.0003* (.0001)
Democracy	-.195** (.056)	-.362** (.111)	-.065 (.066)	.025 (.081)	-.172 (.112)
Human Rights (Good)	1.641 (1.128)	-.844 (1.929)	4.373** (1.405)	5.581** (2.029)	3.706 (1.887)
Human Rights (Average)	5.402** (1.198)	5.064* (2.125)	5.952** (1.448)	7.433** (2.202)	4.891* (1.956)
Human Rights (Bad)	4.301** (1.638)	3.928 (3.314)	5.722** (1.801)	7.525** (2.376)	4.238 (2.605)
Human Rights (Very Bad)	1.491 (2.076)	6.789 (4.257)	3.766 (2.005)	4.05 (2.623)	4.552 (3.767)
External Conflict (Low)	3.025 (5.887)	-2.867 (7.756)	5.026 (6.44)	8.136 (6.190)	-2.546 (14.682)
External Conflict (High)	-7.698 (4.328)	-5.606 (3.709)	1.709 (3.479)	3.653 (4.77)	-12.082 (7.668)
Internal Conflict (Low)	3.139* (1.426)	-2.018 (2.365)	3.436* (1.516)	3.759 (1.994)	2.965 (2.315)
Internal Conflict (High)	6.536** (2.490)	3.343 (4.234)	4.326 (2.42)	5.353 (2.952)	1.907 (4.792)
Alliance	44.617** (2.883)	83.576** (7.245)	25.677** (2.357)	30.929** (3.489)	20.290** (3.735)
Colony	3.599* (1.461)	10.0324** (3.179)	.794 (1.135)	.074 (1.399)	1.821 (1.889)
Oil Production	14.059** (3.079)	16.961* (6.587)	13.514** (3.587)	19.233** (5.515)	4.465 (3.731)
Population	5.69e-08** (1.07e-08)	1.24e-07** (3.32e-08)	4.26e-08** (1.08e-08)	3.36e-08** (8.40e-09)	5.63e-08* (2.36e-08)
Constant	-5.923576 1.134925	-8.904** (1.722)	-6.153** (1.454)	-6.935** (2.111)	-5.859** (1.973)
Wald chi2	385.06	215.41	216.85	141.22	93.75
R ²	0.0401	0.0732	0.0281	0.0288	0.0316
Dyads	3407	2688	3190	3080	2948
Obs	51636	19451	32185	18127	14058

* Significant at the .05 level; ** Significant at the .01 level

For MCW transfers, in contrast, human rights are more frequently significant for export decision-making *except* in the “very bad” category. Across categories, human rights – whether good or bad – tend to exhibit a positive relationship with MCW transfers. These relationships are significant in the early post-Cold War years for all exporters and in both the Cold War and early post-Cold War years for democratic exporters (Table C.13). However, in the 1998-2004 timeframe, this significant disappears, with a few exceptions.⁵³ Indeed, even as coefficients for other human rights categories have shrunk since the early post-Cold War years, “very bad” human rights become *more* positively associated with MCW transfers in later years and are even a significant factor for democratic exporters.

Results for internal conflict also differ across types of weapons transfers. Low-level internal conflict tends to be of mixed significance for SALW transfers. For all years but the most recent, moreover, the relationship is positive. Yet after 1997, there is a negative (but insignificant) relationship between SALW transfers and low-intensity internal conflict. For MCW transfers, no such changes occur. In fact, the relationship is only negative during the Cold War years and is always positive for democratic exporters. For high-intensity conflict and SALW transfers, significance is again mixed but the coefficients tend to be negative – excluding 1998-2004. For MCW transfers overall, there is a positive insignificant relationship but, when limited to non-OECD importers, the post-Cold War relationship is negative and insignificant.

A number of trends related to additional control variables are also worthy of brief attention. Most notably, alliance appears to be an overwhelmingly positive and significant factor for arms transfer decision-making with both SALW and MCW transfers, excluding for democratic suppliers to non-OECD recipients of MCW in

⁵³ “Average” human rights do appear significant in all but the non-OECD recipient model for MCW in the 1998-2004 timeframe. In the democratic exporters model, “very bad” human rights are also significant (and positive).

1998-2004. More populous states are also always more likely to receive conventional arms. Yet willingness and ability to pay seems to vary: Military expenditures are continually positive for MCW transfers and negative for SALW transfers, while GDP is largely positive across the board. In addition, democracy consistently shows a positive relationship with SALW transfers, but a largely negative and insignificant relationship with MCW transfers. This finding holds true whether all exporters are considered, or whether the analysis is run with democratic exporters alone. In fact, with MCW transfers, the end of the Cold War appears to erase the importance of democratic conditions in a recipient state as an important factor for export decision-making. On the other hand, it marks no substantive change for transfers of SALW, which positively affect transfers throughout the time period of study.

Discussion and Conclusions

Overall, the results demonstrate that states treat SALW and major conventional weapons transfers differently, and that there has been – at best – only a possible shift in the direction of more “responsible” arms export behavior in SALW. As such, these trends indicate both the importance of international discussions over standards of conduct in the conventional arms trade, and the enormous challenges that remain to be overcome if policy talk is to be translated into policy action. Arms exports have long been free of international standards and regulations; changes in line with new norms of responsible trade are slow to come. Table 3.12 summarizes the results of the statistical analysis, which are discussed below, and highlights the potential for change in some areas of responsible arms exports but its absence in others.

TABLE 3.12. Summary of Results

Variable	SALW, All Exporters & Importers		SALW, Democratic Exporters & Non-OECD Importers		MCW, All Exporters & Importers		MCW, Democratic Exporters & Non-OECD Importers	
	1991-1997	1998-2004	1991-1997	1998-2004	1991-1997	1998-2004	1991-1997	1998-2004
Bad Human Rights	+	+	+	+	+	+	+	+
Very Bad Human Rights	+	-	+	-	+	+	+	+
Low Level Internal Conflict	+	-	+	-	+	+	+	+
High Level Internal Conflict	-	-	-	+	+	+	-	+

Note: Significant results are shaded.⁵⁴

The most obvious lesson from this exercise has been that policy does not reflect practice, but that it comes closer to doing so with SALW than with MCW. SALW is a newer issue on the international agenda with a lower financial and symbolic value for states, with perhaps fewer obstacles in the way to shaping “responsible” practices. While it is not there yet, SALW transfer behavior does seem for the most part to be moving in that general direction. In contrast, MCW have been longer wrapped up in national security, economics, and foreign policy. As a likely consequence, MCW export decision-making appears much more resistant to change and to the influence of responsible norms in general.

⁵⁴ Shaded results indicate significance above the .05 level; insignificant results are those that fall at or below that threshold.

The results note some potential improvement in SALW export practices, but they also show some *worsening* of behavior in light of new export standards. In particular, transfers to areas of high-level internal conflict by democratic exporters appear to have been more norm-compliant in the early post-Cold War years than in recent years. The reasons behind such a shift are unclear but may have to do with a post-September 11 liberalization of export practices by some states to support allied governments in the War on Terror.

So how do the hypotheses fare? In general, it seems that none of the three IR paradigms can claim full victory and that a more multifaceted explanation may be in order. Each does have something to offer with regard to understanding conventional arms trade patterns, but none is sufficiently comprehensive and accurate in its expectations. While realism does expect non-norm compliant behavior, human rights and internal conflict do to a degree all show some significant effect on supplier practices. Certainly, the direction of that effect may not always be in the direction anticipated by new export policies, but all do seem to “matter,” albeit less so with MCW in case of internal conflict. Constructivism, on the other hand, expects changes in the direction of more norm-compliant behavior, which appear relatively non-existent in the case of MCW transfers and weak (but possible) in the case of SALW transfers. Change for SALW seems most probable for restraining transfers to the worst human rights violators, yet even here, the conclusion is by no means forgone. SALW transfers to areas of low-intensity internal conflict may also decrease over time, but trends appear to be going in the opposite direction for high-intensity internal conflict.

Liberal theories of domestic interests also fail to offer satisfactory explanations. Democratic exporters – as the largest and most transparent group – drive the dataset, so it should come as no surprise that there is no substantive difference in the findings for democratic exporters on their own. In fact, the only noticeable

difference is a move from a negative to a positive relationship between arms transfers and high-intensity internal conflict. Domestic interests, on the other hand, predict consistent exports to human rights violators and conflict zones in line with industry preferences. Behavioral changes with SALW transfers in particular are unexpected, though the persistence of past export behavior with MCW is not.

Clearly, it is necessary for scholars to consider arms exports through the lens of multiple theoretical perspectives in order to capture plausible explanations for states' policy choices. The social reputation model seeks to get at the root of the question by finding a consistent and coherent way to combine approaches. In its general form, social reputation does not expect any explicit compliance by supplier states; policies adopted for image-enhancement purposes due to normative expectations need not be thoroughly implemented where accountability and transparency are low. However, where trade transparency and public attention are both high – most often in democracies – compliance in clear-cut cases is more likely. This trend does emerge to an extent with SALW, where transfers to the worst human rights violators decline in the most recent time period but not to those recipients who are “less bad.” Surprisingly, however, behavior improves with low-level conflict, not high, suggesting insignificant transparency, public attention, or both.

Ultimately, the statistical analysis helps to identify at least some reasons why states are *not* seeking the domestic and multilateral policy changes they now advocate. Primarily, it appears as though states are not taking the easy way out by proposing new regimes or national legislation to reflect existing practices, though these practices are weakly emerging in some areas. Yet the policy-practice gap remains strong. As a result, the pursuit of legally-binding standards becomes more puzzling. Why propose and adopt such policies without following them? Before considering this question explicitly in detail in the case study chapters, the analysis first turns to states' practices

in reaction to politically and legally binding supranational regimes and sanctions.

Does codification lead to practical commitment, and if so, why codify standards that are resisted in practice?

CHAPTER 4

THE PUSH TOWARD LEGALIZATION:

DO EMBARGOES AND REGIMES INDUCE EXPORT RESTRAINT?

The legalization trend in international politics¹ is beginning to catch up with the long-elusive conventional arms trade. The Economic Community of West African States (ECOWAS) made its 1998 moratorium on the production and trade of small arms legally binding in 2006, and the EU legalized its 1998 Code of Conduct for Arms Exports in December 2008. The widely supported 2006 UN resolution to establish an Arms Trade Treaty (ATT) in particular has brought the issue of legally-binding arms export restraints into the international spotlight. The road ahead for an ATT will be a long one, dependent upon both UN budget cycles and the interests of a diverse group of member states. Nevertheless, it signals a willingness by a majority of states to place multilateral, mandatory constraints on their arms export behavior related to recipients' conflict engagement and human rights practices. This change is both dramatic and surprising. Legalization makes explicit and binding states' obligations in the conduct of their arms trade and increases the costs of non-compliance. Even so, states long hostile to supply side regulation (Mussington 1994) have recently begun to acquiesce to the prospect of legally-binding measures to restrict their arms trade activity.

This chapter moves beyond uncovering trends of arms export practice described in the previous chapter to compare and contrast the effects of legally- and

¹ See the *International Organization* (2000) special issue on legalization. For that issue, Abbott et al. (2000) argue that it is most helpful to think of legalization as a continuum and identify three main characteristics of legalized institutions: "*Obligation* means that states or other actors are bound by a rule or commitment or by a set of rules or commitments. Specifically, it means that they are *legally* bound by a rule or commitment in the sense that their behavior thereunder is subject to scrutiny under the general rules, procedures, and discourse of international law, and often of domestic law as well. *Precision* means that rules unambiguously define the conduct they require, authorize, or proscribe. *Delegation* means that third parties have been granted authority to implement, interpret, and apply the rules; to resolve disputes; and (possibly) to make further rules" (401, emphases in original).

politically-binding arms transfer regimes in shaping those practices. In general, arms export regimes lay out rules to guide states' decision-making and commit them to denying transfers to recipients engaged in human rights violations and internal conflict. Variation in regime specificity and type of commitment, however, may have significant consequences for state compliance. Even lacking international enforcement, as is largely the case with arms transfers, regimes commit states to arms export standards, which – particularly when those commitments are well specified – can then be used by domestic actors to provoke compliance (see Chapter 6). I therefore ask not only *whether* regimes have an effect on supplier states' small and major conventional arms transfers to human rights violators, but also *what kind* of regimes may have an effect.

This chapter proceeds in three parts, organized to allow a comparison of the effects of different types of regimes. First, I investigate whether supplier states heed the legally-binding and highly specific nature of “hard law” in the form of arms embargoes. States' compliance with sanctions has often been contested among policy-makers and scholars, with qualitative analyses suggesting contradictory trends. Large-N studies have not yet weighed in on the debate. Using an arms embargo variable I coded for this project, I examine supplier states' adherence to arms embargoes, which articulate very explicit and legally-binding behavioral expectations and commitments.

Second, I seek to uncover the extent to which supplier states respond to arms export restrictions set forth by less specific and politically-binding “soft law.” To do so, I examine European export practices under the EU Code of Conduct. Although the EU has better explicated the Code since its inception in 1998, its eight export criteria have only recently been made legally-binding² and have remained relatively open to

² The EU Code of Conduct on Conventional Arms Exports was created as a politically-binding agreement in 1998 and made legally-binding only in December 2008. The dataset, however, extends

member state interpretation and discretion. Unlike arms embargoes, for example, the Code does not provide a list of specific recipient states to which EU members must not export arms. Rather, it provides a series of criteria by which member states can judge whether a potential arms recipient is an appropriate customer. Whether and how much the Code exercises an effect on members' arms export practices therefore provides an interesting comparison to the legally-binding and precise nature of arms embargoes. Third and finally, I ask whether changes in state practice *precede* regime formation by looking at the behavior of major exporters who have voted in support of the ATT process at the UN. Ultimately, the findings from these statistical analyses can provide insights into the influence of regimes on states' arms transfer practices, as well as the conditions that affect the effectiveness of regimes more broadly.

Hard Law, Soft Law, and Compliance

The ability of international rules and regimes to shape state behavior remains a highly contested issue for scholars of international law and politics, and a relatively new question for experts on the conventional arms trade. For proponents of an "enforcement approach" to international law, the distinction between hard and soft international law is crucial.³ Compliance depends on hard treaty law with verification and enforcement mechanisms⁴ (Downs et al. 1996; Goldsmith & Posner 2005; Morrow 2007). States' interest in compliance, for this approach, depends on the prospect of material gain resulting from cooperation or material punishment exacted

only to 2004 and therefore does not include any transfers under the Code as a legally-binding regime. Such data would only become available after 2009, the first full year of a legally-binding Code.

³ Hard law refers to precise and legally binding; typically treaty law. In the parlance of international law, treaties are governed by the principle of *pacta sunt servanda*, meaning that they are binding and must be respected in good faith. Soft law is politically binding and less precise. See Abbott and Snidal (2000) for a more detailed discussion from a rationalist perspective.

⁴ That is, if states are inclined to acquiesce to international law at all. Downs et al. (1996) argue, for example, that states' compliance with international law is often simply what states would have done even in the absence of international law (380).

by international actors in response to noncompliance. Hard law, as neoliberal institutionalists argue, may also be more effective in changing state behavior, because its obligations can be subject to judicial enforcement (Abbott & Snidal 2000; Fortna 2003; Hathaway 2002; Hafner-Burton 2005). For these approaches, it is the binding – or enforceable – and precise nature of hard law that makes it effective in promoting compliance among its members or signatories.

Conversely, for proponents of the “managerial approach” to international law and many IR constructivists, compliance may be the default option for states, which generally follow hard *or* soft law due to their perception of a normative obligation to do so (Chayes & Chayes 1993, 1995; Finnemore 1996; Finnemore & Toope 2001; Franck 1990; Kelley 2007; Lutz & Sikkink 2000). From this perspective, state compliance relies not on enforcement⁵ so much as a state’s broad commitment to international law, which need not be articulated through hard law but may also operate effectively through soft law and norms.⁶

The reputational approach, which I articulated in Chapter 2, falls between these two perspectives. As I argue in Chapter 6, in the absence of international enforcement, compliance – albeit spotty – may emerge when governments fear their reputations will suffer for “irresponsible” export decisions. Both hard and soft law commit governments to certain values and norms, which domestic actors may use to hold them publicly accountable in practice. The more extreme the violation or clear-cut the obligation, the more effectively watchdog groups may be in utilizing these

⁵ At least enforcement as discussed by the “enforcement” approach, which relies on material cost, threat, and adjudication. Social sanctioning as an enforcement mechanism, however, would be consistent with the constructivist or managerial approach (Young 1992, 1999). Olga Avdeyeva (2007), for example, observes that social pressures can even be effective for encouraging compliance with hard treaty law, not simply soft law.

⁶ Goodliffe and Hawkins (2006) find a significant role for norms in explaining compliance with the Convention against Torture. However, they briefly conclude that their quantitative analysis cannot parse out whether this is the result of rationalist mechanisms (avoiding reputational costs) or constructivist mechanisms (state identity and socialization).

commitments to mobilize public outrage. Thus, the precise nature of hard law may make noncompliance less difficult to detect, or to spotlight as “irresponsible.” However, even for some cases of soft law noncompliance, states’ violations will be so extreme and clear-cut that groups can similarly mobilize media and public interest.

Multilateral regimes – hard or soft – to regulate the conventional arms trade are a relatively new phenomenon in international politics. Apart from arms embargoes and the recent conversion of some regional regimes from politically binding to legally binding, hard law is missing entirely. I therefore investigate arms embargoes as the most precise and legally-binding example of conventional arms export regulations over time. The EU Code of Conduct and the pending ATT provide examples of politically-binding and legally-binding regimes respectively. Yet the extent to which suppliers adhere either to any of these is an open question, to which the following quantitative analyses may help to answer.

Model and Expectations

Arms Embargoes as Hard Law

Arms embargoes are targeted economic sanctions⁷ designed to deprive one or more parties in a country access to weapons. They are – save a few exceptions⁸ – legally binding and dictate explicit expectations for embargoing states to cease some or all arms transfers to the specified recipient(s).⁹ They are also the most frequently

⁷ While targeted “smart” sanctions are often considered more effective – and possibly more humane – than general economic sanctions, questions still persist over their ability to achieve their stated goals. See Brzoska (2001); Cortright and Lopez (2002) Gottemoeller (2007/08). Moreover, as Cortright and Lopez (2002) note, “The more sanctions target a specific faction within an internal conflict or control the trade and movement of specific commodities, the more likely it is that some among the Permanent Five will object to them” (7).

⁸ The 1989 EU arms embargo to China, for example, was never converted into a Common Position and is therefore essentially “voluntary.”

⁹ Cortright and Lopez (2002) refer to arms embargoes as “the quintessential example of a smart sanction,” which “avoid doing harm to vulnerable and innocent civilian populations” and “have the potential to save innocent lives” (153). At a minimum, sending states seek to convey a symbolic

used type of economic sanction and can be issued on their own or in conjunction with more comprehensive sanctions packages. The UN, EU, OSCE, and other multilateral organizations, along with national governments, have all declared numerous arms embargoes, especially since the end of the Cold War (see Appendix D). Most commonly, arms embargoes are applied in cases of extreme human rights violations and threats to regional and international peace and stability (Cortright & Lopez 2002: 153), making them especially interesting and appropriate for the analyses here.

Arguments in favor of hard law would suggest that arms embargoes – as precise and legally-binding regulations – should curtail sending states’ arms exports to embargoed recipients. However, sanctions experts are divided on the ability of sanctions to produce the desired changes in target state behavior, related in part to the perception of low compliance among sending states. Indeed, as sanctions have become increasingly common features of foreign policy and diplomacy since the 1990s, so too has the broader debate among scholars and policy-makers about their effectiveness.¹⁰ However, as Fruchart et al. (2007) argue, the question of levels of arms flows must be assessed separately from that of target state behavior in order to determine an embargo’s effectiveness – and where to place the blame if an embargo is ineffective.

Embargo compliance is therefore two-sided. First, of course, is the matter of whether *target* states comply with sending states’ demands – the standard measure of

message of disapproval and, at a maximum, force targeted parties to change offending policies or practices. In addition to their symbolic and coercive value, they can help to lessen the “military effectiveness” of the target state (Crawford 1999: 46).

¹⁰ Some experts argue that sanctions are an integral tool of diplomacy, effective in changing (or helping to change) target behavior when properly specified and implemented. See Allen (2008); Brooks (2002); Cortright and Lopez (2000, 2002); Dashti-Gibson et al. (1997); Drezner (2003); Elliot (1998); Fruchart et al. (2007); Gottemoeller (2007/08); Helms (1999); Hubfauer et al. (1990); Miyagawa (1992); Kirshner (1997, 2002); Klotz (1999); Selden (1999). Others contend that sanctions rarely change target behavior and may instead be over-used, empty, and futile foreign policy gestures. See Askari et al. (2003); Dashti-Gibson et al. (1997); Galtung (1967); Haass (1997, 1998); Kaemper & Lowenberg (1995); Knorr (1975); Miyagawa (1992); Naylor (1999); Pape (1997, 1998); Preeg (1999); Tsebelis (1990).

sanction “success.”¹¹ Because of their limited ability to cease the flow of goods, unilateral sanctions have an especially hard time coercing compliance from target states (Askari et al. 2003; Kaempfer & Lowenberg 1995; Preeg 1999). As the globalization of production and sales spreads – including for defense goods – it becomes especially difficult, if not impossible, for a unilateral embargo to achieve much more than a statement of disapproval about a target’s policies or behavior. Multilateral sanctions, in contrast, can send more credible, legitimate and unambiguous threats of damage to the target (Eland 1995: 36).

Second, but perhaps less thoroughly studied, is the question of whether *sending* states comply with the sanctions they impose. This means finding out whether sending states cut off the supply of arms to target states – typically, an essential first step if sanctions are to elicit target state compliance. Multilateral sanctions may, however, require not only the coercion of the target to comply with the senders’ demands, but also the coercion of less willing sender states to comply with the embargo by a state more heavily invested in its success (Martin 1992; Mastanduno 1992; Rodman 2001). One important argument about the *ineffectiveness* of sanctions relates to sending states’ unwillingness to implement and enforce agreed upon measures, for political or economic reasons (Cortright & Lopez 2002: 167; Kaempfer & Lowenberg 1995; Landgren 1989: 10; Naylor 2001; Security Council Report 2008).¹² It is this side of the compliance question that is most relevant to the research at hand and answered in the remainder of the chapter.

¹¹ Since my interest in this chapter is with *suppliers’ compliance* with arms embargoes, I leave aside complex questions of measuring and achieving sanction “effectiveness” or “success.” See references in the previous footnote above for an overview.

¹² The UN arms embargo against South Africa starting in the 1970s is a good example of this problem. According to Signe Landgren (1989), producers’ “readiness to sell was sometimes coupled with the respective government’s willingness to ignore the identity of the buyer, and sometimes involved the deliberate deception of the government in the supplying company” (231), as well as deliberate but covert government sales of weapons and defense technology (Phythian 2000a; Crawford 1999).

Anecdotes abound of states violating arms embargoes and suggest that even hard law may be insufficient to change state practice. A short list of prominent cases would include: South Africa, Iran, Iraq, China, Bosnia, Sierra Leone, Somalia, and Sudan. Based on such anecdotes, sanctions skeptics anticipate a low degree of compliance by sending states with arms embargoes. The expectation from this side is that arms embargoes will have either an insignificant or a positive effect on supplier states' arms transfer behavior. Suppliers often have both economic and political motivations for engaging in "embargo busting" activities: Sanctions increase the profit to be made from selling the embargoed good to a target state, and breaking them may also convey practical or symbolic support to favored groups on the ground.

Other qualitative research, however, indicates that arms embargoes can be effectively implemented, if the political will is present among sending states (Fruchart et al. 2007). Large supplier states in particular are more likely to reduce their arms supplies, even if small neighboring states of the target do not. The most thorough monitoring of multilateral arms embargoes has been done through the UN, although on a case-by-case basis. A UN sanctions committee administers most embargoes and follows up on reports of violations through independent groups of experts appointed by UN Security Council resolutions. Qualitative studies of UN arms embargoes, in turn, have shown depressed supplies of arms to target states, both during and after UN sanctions (Fruchart et al. 2007),¹³ contesting skeptics' view that "embargo busting" is a common practice, at least by sending states.¹⁴ This debate yields two hypotheses: **(H1)** Arms embargoes will have no significant effect on states' export practices; and

¹³ See, however, Security Council Report (2008) about the failure of UN sanctions in Somalia, which highlights the importance of such sanctions committees in taking an active role in enforcing measures against violators if supplies to an embargoed party really are to decline. Simply "repeating requests to member states to honour the embargo" and "waiting for cooperation from states and organizations in a position to provide pertinent information to it," the report concludes, is insufficient and ineffective (2).

¹⁴ Individual arms brokers operating on the black market and supplier states not a party to the embargo are, of course, another story.

(H2) Arms embargoes, as precise and sometimes enforced law, will have a significant, negative effect on states' export practices. All hypotheses are summarized in Table 4.1 at the end of this section.

To examine the influence of arms embargoes on states' export practices, the statistical model takes as its primary independent variable of interest the level of embargo placed on the recipient state. Absent an existing arms embargo variable (Smith & Tasiran 2005), I use various news and government sources to compile a list of sanctions which demanded the full or partial cessation of arms sales to a specific country or set of countries.¹⁵ These sanctions can be imposed by national governments or by multilateral organizations. In the analysis, I use separate dummy variables for full and partial arms embargoes.¹⁶ In theory, partial embargoes, which still allow the transfer of some defense goods to certain parties within a target state, should restrict arms exports to a lesser extent than full embargoes. The coefficients for the two dummy variables can, in turn, illustrate whether recipients with partial or full arms embargoes are more or less likely to receive arms than non-sanctioned recipients.

The control variables, which are once again limited to those with a potentially confounding effect on the variables of interest,¹⁷ include democracy, alliance, GDP per capita, and oil production. Each control variable has been chosen for its posited influence on small or major conventional arms transfers (the dependent variables), as well as its possible effect on whether or not a recipient state is the target of an arms

¹⁵ There are three levels of arms embargoes included in the analysis: No embargo; partial embargo (some parties/some weapons); or full embargo (all parties, all weapons). See Appendices B and D for specifics on embargo variable coding.

¹⁶ The referent category for the dummy variables is therefore the "no arms embargo" category.

¹⁷ As in Chapter 3, I carefully limit a model's independent variables to avoid distorting and obscuring the effects of the variables of interest on the dependent variable with problems such as collinearity and non-linearity (Achen 2002, 2005). Results from models including unnecessary variables can be fragile and make it more difficult to explore the relationship between variables of interest (here arms embargoes) and the outcome (here arms transfers).

embargo (the independent variable).¹⁸ Each shows both a generally positive effect on arms transfers and a negative effect on the likelihood of being embargoed. Excluding them therefore risks biasing the findings downward. The sample of recipient states used in the analysis is, in turn, limited to those states engaged in violent conflict or with a record of human rights violations.¹⁹ This reduced sample covers likely targets of arms embargoes, based on the most common justifications for arms embargoes (human rights violations or participants in conflict). Of course, multilateral organizations and their member states do not embargo *all* such “bad” recipients, so the sample can provide insight into whether arms embargoes do nevertheless significantly suppress arms exports to them.

Arms Export Regimes as Soft Law

A similar “effectiveness” debate exists within the regime²⁰ literature and echoes the discussions about hard and soft law. Supposing states are willing to sign on to restrictive regimes – a claim many realists approach with considerable skepticism – some scholars doubt their ability to modify states’ behavior (Gilpin 1981; Krasner 1993; Strange 1983). Absent the threat of coercion from powerful states, regimes will not be sufficient to convince suppliers to suppress their sales. While neoliberal institutionalists do anticipate higher levels of compliance,²¹ they too expect only weak

¹⁸ Preliminary findings suggest that democratic states, states with a higher GDP per capita or oil production, and allies are less likely to be embargoed. The question of what factors increase the likelihood of states being embargoed will be dealt with in a separate research project.

¹⁹ I include low and high intensity conflict for all types of conflict, as well as human rights scores from three to five (average to very bad).

²⁰ I use the standard definition of regime, taken from Krasner (1983). Regimes are “implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations” (2).

²¹ According to this perspective, states will comply with regimes first, in order to maintain the benefits provided by a regime which is costly to construct and replace, and second, as a result of their desire to cultivate a reputation for cooperative behavior, which can ease membership in advantageous future agreements (Keohane 1984: 100-106; Wallander 2000).

compliance where regimes are neither legally binding nor strongly regulated (Fortna 2003; Hafner-Burton 2005; Hafner-Burton & Tsutsui 2005). Since most arms trade regimes, outside of embargoes, are to date only politically binding and not subject to costly enforcement, they will at best exert only a limited effect on state activity.

In contrast, norm- or identity-based approaches to regimes suggest that states will be socialized to comply with shared norms and rules of behavior, even without being legally binding (Hasenclever et al. 1997). The power of regimes, from this perspective, can and must be separated from the power and functional self-interests of the individual states that compose them. Indeed, as Andrew Hurrell (1993) points out, this is a real test of the strength of international norms: “There has to be some notion of being bound by a particular rule despite countervailing self-interest” (53). Thus, two hypotheses can be added to deal with multilateral regimes: **(H3)** Politically-binding regimes will not significantly restrain states’ arms exports; and **(H4)** Regimes, whether politically or legally binding, will significantly restrain states’ arms exports (see Table 4.1). I include an additional hypothesis to account for the reputational approach, which expects supplier state compliance in cases where violations would be clearly “irresponsible” **(H5)**, as well as where sanctions are in place (under H2).

To test the effects of regime membership on arms transfer practices, I return to the model for human rights from Chapter 3²² and limit the exporting states included in the analysis to two separate groups.²³ First, I examine the practices of members of the most comprehensive and explicit regional arms transfer regime – the 1998 EU Code of Conduct for Arms Exports.²⁴ Former SIPRI director Alyson J.K. Bailes, for example,

²² In addition to the dummy variables for level of human rights violations, the human rights model in Chapter 3 includes several control variables: GDP per capita, democracy, and internal conflict. The results for the other independent variables of interest – internal conflict and democracy – are provided in Appendix C.

²³ Unlike the embargo models, I use the full sample of recipient states from the dataset.

²⁴ I focus the analysis on members of the European Union, although it must be noted that, in addition to EU members, some non- EU member states (Canada, Iceland, Lichtenstein, and Norway) have publicly

argues, “There are signs that [the Code of Conduct] has created something like a virtuous circle of pressure for improvements of policy formulation and enforcement, both within the EU and among states preparing themselves for accession” (Bauer & Bromley 2004: v). While the Code offers specific – and increasingly precise – export criteria for its members, as a politically-binding document until 2008, advocates of H3 expect largely non-compliant behavior by EU states. Findings indicating compliant behavior, conversely, would suggest the plausibility of H4. Although research on EU arms exports has not yet weighed in on the matter, it does suggest both that the Code has had a convergent effect on members’ exports (Holm 2006) and that officials desire greater harmonization across EU export decision-making (Bromley 2008: 49).²⁵

Second, I examine the practices of new regime supporters by including the supplier states in the dataset that voted in 2006 to support the UN Arms Trade Treaty process.²⁶ While ATT supporters are certainly under no obligation at present to comply with standards outlined by the General Assembly resolution for inclusion in a

signed onto the principles of the EU Code of Conduct. However, these additional states are outside the political restraints of the European community and its information-sharing mechanisms.

²⁵ Recall that the EU Code of Conduct for Arms Exports, passed in 1998 and legalized in 2008, contains eight criteria by which member states have agreed to evaluate arms export license requests: (1) “Respect for the international commitments of EU member states,” including UN sanctions and other international obligations; (2) “Respect of human rights in the country of final destination;” (3) “Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination;” (4) “Preservation of regional peace, security, and stability,” including the likelihood of conflict between countries and the existence of a “clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim;” (5) “The national security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries;” (6) “The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law;” (7) The risk of export diversion within the recipient state or “re-exported under undesirable conditions;” (8) The consideration of “whether the proposed export would seriously hamper the sustainable development of the recipient country” in the context of “the recipient country’s relative levels of military and social expenditure” based on the idea that “state should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.” It also contains information-sharing and coordination mechanisms. For a full text of the Code, see <http://www.fas.org/asmp/campaigns/code/eucodetext.htm> (last accessed 8 April 2009).

²⁶ This excludes China (abstained), Israel (abstained), Russia (abstained), and the United States (voted no) from the analysis.

legally-binding treaty, their practices may give insight into the early stages of regime formation. On the one hand, it is possible that states support new regimes whose standards they already adhere to in practice, making the marginal cost of an additional regime relatively low. On the other hand, they might extend support to regimes by which their current practices would be considered non-compliant, suggesting a willingness to cooperate despite higher costs.

TABLE 4.1. Summary of Hypotheses

Hypothesis	Position	Expectation	Results should reveal
H1	Sanctions Skeptics <i>Law is ineffective</i>	Arms embargoes will not restrain sending states' arms export practices	Embargo coefficients should be non-significant (or possibly positive)
H2	Sanctions Proponents <i>Hard law is effective</i>	Arms embargoes will restrain sending states' arms export practices	Embargo coefficients should be negative and significant
H3	Regimes Skeptics <i>Soft law is ineffective</i>	Politically-binding regimes will not restrain member states' arms export practices	Recipients' human rights will not significantly affect exports; human rights coefficients will be non-significant
H4	Regimes Proponents <i>Soft law is effective</i>	All regimes can restrain states' arms export practices	Coefficients for recipients' human rights will be significant and negative for all "not good" human rights performers
H5	Regimes Proponents (Partial) <i>Soft law is sometimes effective</i>	Regimes will restrain states' arms export practices in extreme cases	Coefficients for recipients' human rights will be significant and negative only for "very bad" human rights violators

Statistical Findings: Arms Embargoes

A first look at the descriptive statistics suggests that the percentage of arms transfers – small or major – to embargoed states is quite small, but nevertheless higher to fully than that to partially embargoed states.²⁷ In the bar charts below (Figures 4.1, 4.2, C.27, C.28), the bars indicate the percentage of dyad-years receiving arms transfers within that level of arms embargo (as opposed to the percentage of *no* transfers at that level of arms embargo). Recall from above that the reduced sample used for the arms embargo analyses is limited to recipients with poor records of human rights performance or engaged in conflict. This illustrates, on the one hand, that arms embargoes are by no means fully effective in stopping the flow of small arms and light weapons (SALW) or major conventional weapons (MCW) to a conflict zones or human rights violators.²⁸

²⁷ As described in Chapter 3 and Appendix B, the Arms Transfers Dataset contains two dependent variables: a dichotomous variable for the transfer of small arms and light weapons and a continuous variable for the transfer of major conventional weapons. The dataset contains annual dyadic data for 22 top supplier states from 189 importing states from 1981-2004.

²⁸ I include all dataset years (1981-2004) throughout the analysis. However, please recall from Chapter 3 the poor quality of Cold War arms trade data and interpret those results with extreme caution. They are included for illustrative purposes only.

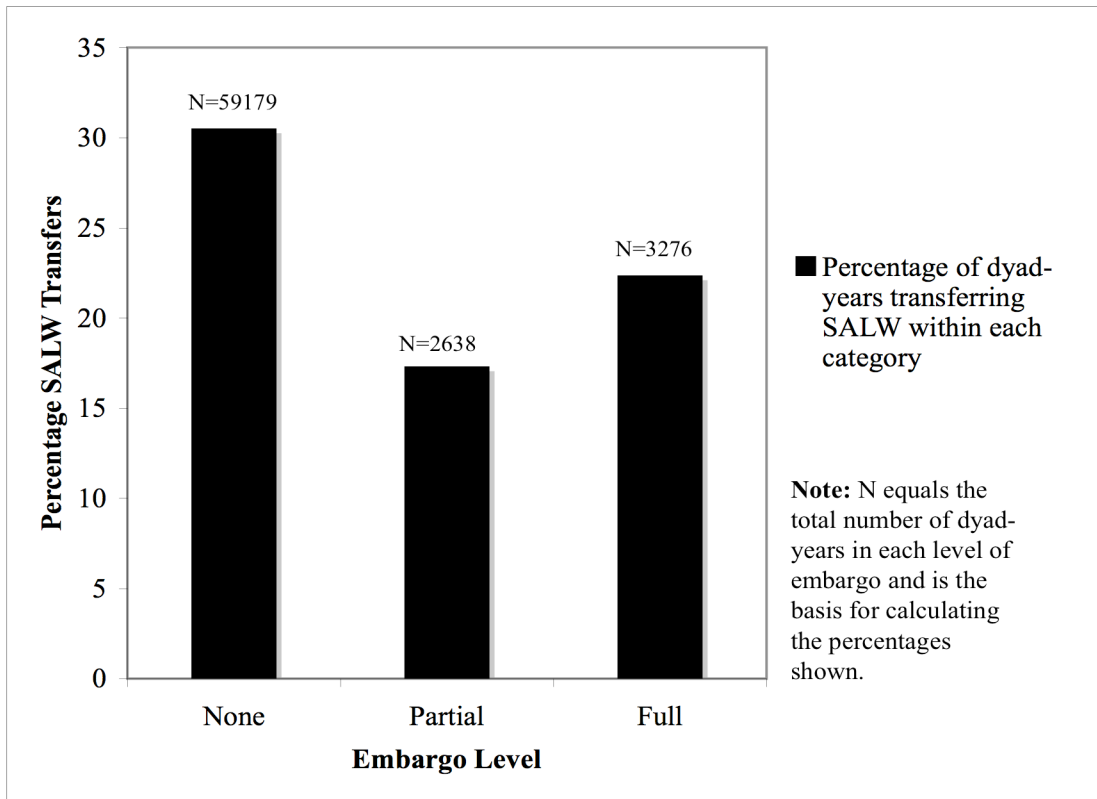


FIGURE 4.1. Percentage of Small Arms Transfers by Level of Embargo

On the other hand, these percentages also show that recipients of arms are in the clear minority. In all cases, especially major conventional weapons, the percentage is well below 50 percent. In addition, *across* levels of arms embargoes, the overwhelming majority of small and major conventional arms transfers go to non-embargoed recipients, even within the reduced sample of conflict participants and human rights violators. This suggests a high level of attention to arms embargoes in both small and major conventional arms export decision-making. That is, states appear, for the most part, to comply with arms embargoes and take them into account in transferring arms.

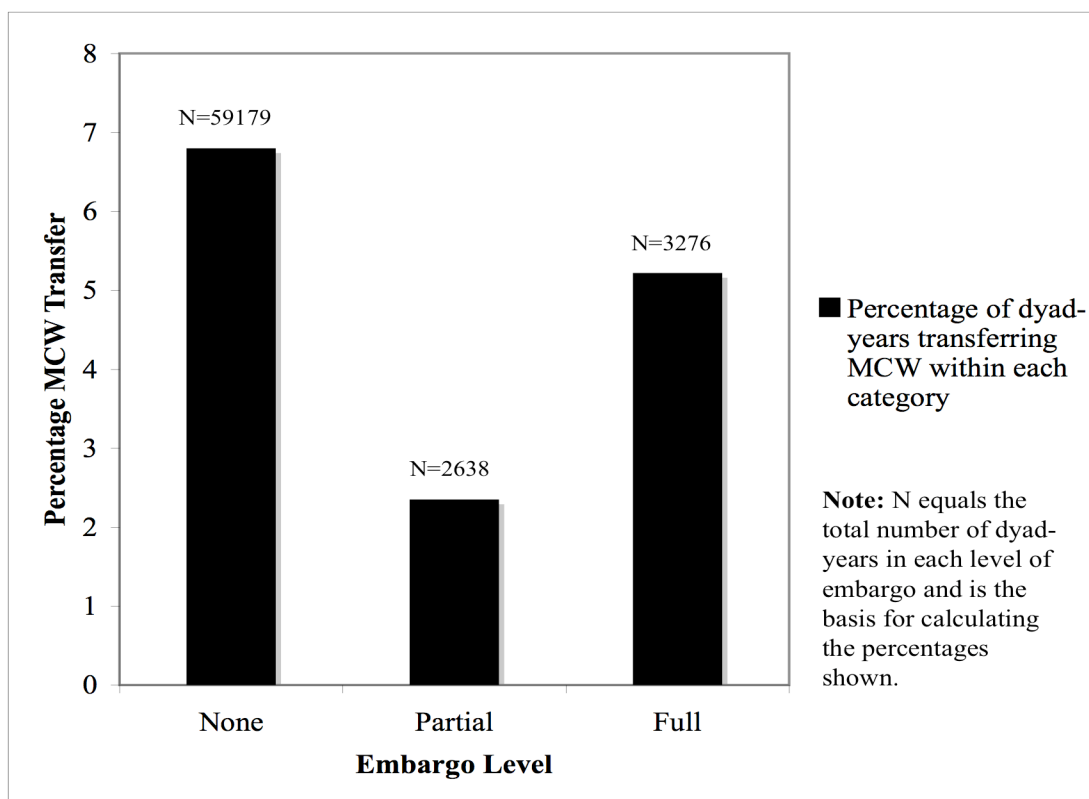


FIGURE 4.2. Percentage of MCW Transfers by Level of Embargo

Similar trends reveal themselves in the regression analyses. The export of small arms more easily escaped the notice of arms embargo provisions and weapons monitoring until the mid-1990s, and this is, to some extent, reflected in the findings (Tables 4.2, C.14). Partial arms embargoes demonstrate no significant effect on exporter behavior during the early 1990s but take a dramatic turn in the late 1990s and beyond. In recent years, in fact, they appear to limit small arms exports from embargo participants more strongly than full arms embargoes. Compliance with *full* arms embargoes, however, appears strong throughout the 1990s. Among democracies supplying less wealthy states, this trend also holds (Table C.14). Thus, in the case of SALW transfers, H2 appears to offer a plausible explanation for supplier state behavior, countering the skeptical expectations of H1. Over time, embargo busting

with small arms exports appears to be an uncommon practice in cases of full embargoes, as well as in cases of partial embargoes since 1998.

TABLE 4.2. Influence of Embargoes on Small Arms Transfers

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Democracy	.091** (.004)	.088** (.008)	.093** (.007)	.105** (.009)	.082** (.012)
Alliance	1.91** (.144)	2.512** (.267)	2.412** (.189)	2.35** (.233)	3.283** (.272)
GDP/Capita	.0002** (7.53e-06)	.0003** (.00002)	.0002** (9.63e-06)	.0002** (.00001)	.0002** (.00001)
Oil Production	-1.177** (.285)	-3.607** (.508)	-.181 (.364)	.166 (.424)	-.423 (.603)
Partial Arms Embargo	-.21* (.106)	-1.831** (.629)	.054 (.129)	.253 (.193)	-.978** (.236)
Full Arms Embargo	-1.088** (.092)	-.249 (.224)	-.873** (.136)	-.47** (.165)	-.707* (.282)
Constant	-2.242** (.059)	-2.808** (.09)	-2.448** (.071)	-2.810** (.084)	-2.037** (.092)
Wald chi2	2112.51	818.59	1285.03	869.29	731.37
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	3614	2927	3484	3321	3017
Obs	44550	18940	25610	14566	11044

* Significant at the .05 level; ** Significant at the .01 level

However, the results from the logit model, just as in Chapter 3, are limited in their ability to provide substantive results about the magnitude of the effects of arms embargoes on sending states' SALW transfers. The predicted probabilities illustrated in Figure 4.3 provide some insights for the 1998-2004 time period. For the recipient states in the reduced sample, those without any arms embargo at all have a 32% chance of receiving SALW from a given exporter in any particular year, despite being poor human rights performers or engaged in internal conflict. Arms embargoes dramatically reduce the predicted probabilities of receiving SALW. Partial arms embargoes lead to only a 15% predicted chance of receiving SALW from embargoing

exporters; full arms embargoes lead to a 19% predicted chance. Thus both suppress small arms exports from sending states significantly, though not fully.

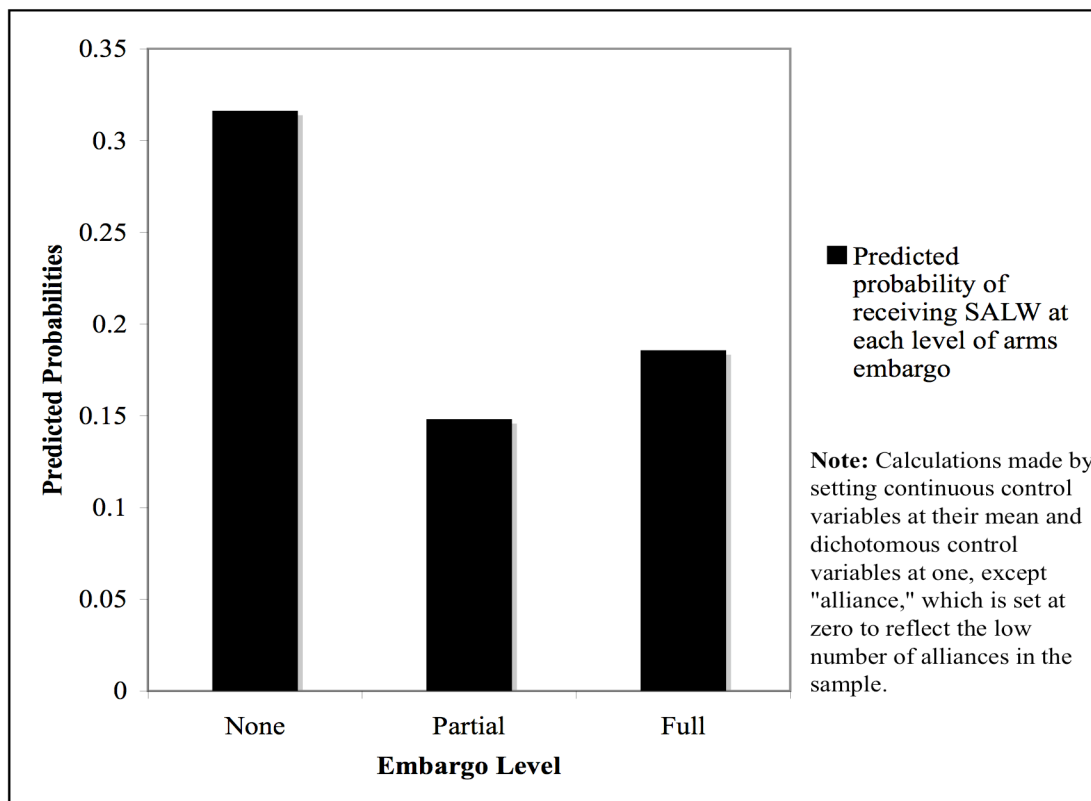


FIGURE 4.3. Predicted Probabilities for Arms Embargoes and SALW Transfers (1998-2004)

Perhaps surprisingly, given their non-compliant major conventional arms transfer practices illustrated in Chapter 3, states *do* appear to limit MCW transfers where arms embargoes are in place (Tables 4.3, C.15).²⁹ Both partial and full arms

²⁹ Recall that the data for MCW transfers are based on SIPRI trend-indicator values (TIVs). The TIV for a particular dyad-year is an assigned dollar value based on a standardized index that represents the quality (technical) and quantity of weapons transferred. While it is not a record of payments – transfers can include gifts and aid, as well as sales – it does reflect a standardized military and financial value for the weapons exchanged. As a result, it can more easily compare transfers from across countries and years, as well as accommodate the transfer of secondhand weapons (Brzoska 2004: 113; Durch 2000: 8; SIPRI 2007:429-30). See Chapter 3 for a more detailed discussion.

embargoes significantly restrain exports of major conventional weapons throughout all years included in the sample. Focusing on the 1990s, the findings demonstrate a highly stable pattern of practice and strong compliance in both timeframes.³⁰ Again, this suggests that embargo-busting is a less common practice than sanctions skeptics would expect. Naturally, it is more difficult to slip large weapons into an embargoed market unnoticed. Nevertheless, the willingness of supplier states to restrain their sales presents a strong case for H2, contradicting the expectations of H1.

TABLE 4.3. Influence of Embargoes on MCW Transfers

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Democracy	-.485** (.069)	-.418** (.136)	-.250** (.08)	-.127 (.084)	-.452* (.178)
Alliance	61.397** (4.449)	111.471** (10.668)	31.121** (3.734)	34.065** (5.257)	28.325** (6.309)
GDP/Capita	-.0007** (.0001)	-.002** (.0004)	-.0001 (.00009)	-.0002 (.0001)	-.00002 (.0001)
Oil Production	25.145** (4.304)	63.056** (9.480)	13.531* (5.952)	19.55* (8.558)	2.259 (6.989)
Partial Arms Embargo	-7.886** (.863)	-14.668** (2.778)	-5.018** (.590)	-5.657** (.704)	-4.982** (1.168)
Full Arms Embargo	-9.017** (1.615)	-9.962** (1.004)	-6.247** (.923)	-6.523** (.808)	-6.507** (1.858)
Constant	6.327** (.365)	9.426** (.916)	4.342** (.444)	4.621** (.530)	4.215** (.82)
Wald chi2	339.20	187.80	191.14	116.98	79.52
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	3614	2927	3484	3321	3017
Obs	44550	18940	25610	14566	11044

* Significant at the .05 level; ** Significant at the .01 level

For small arms, the moving windows analyses also show increasing compliance over time (Figures 4.4, 4.5, C.29-32). In particular, there is a strong

³⁰ Among democracies exporting to non-OECD states (Table C.15), the ability of arms embargoes to restrain MCW transfers from embargoing states appears to weaken in the most timeframe. However, it remains negative and significant.

pattern of adherence to arms embargoes since the late 1990s. Partial embargoes take a noticeable restrictive effect on embargoing states exports starting in 1998 (Figure 4.4). In prior years, there is no clear reward or punishment effect, but from 1998 onwards, the upper confidence interval also drops below zero, showing a new level of embargo compliance. With full embargoes and SALW transfers, 1995 appears to be the turning point for compliance, when the coefficient and upper confidence interval become negative (Figure 4.5). After 1995, embargoing states restrict SALW flows to embargo targets, unlike in the past. These dates correspond closely with the appearance of SALW on the international agenda and especially advocates' and policy-makers' widening concern for their damaging role in fueling civil and ethnic conflict.

Moreover, the results for major conventional arms transfers again indicate the consistently negative effect arms embargoes exercise on exports over time (Figures 4.6, 4.7, C.33-36). At no point does embargoing states' behavior with MCW transfers cross into positive territory, with either partial or full arms embargoes. In other words, although suppliers may not adhere to arms embargoes 100 percent of the time, they are largely compliant with arms embargoes in their MCW export decision-making. On the other hand, it may be worth noting that the strength of arms embargoes on MCW transfer practices does appear to weaken over time. That is, arms embargoes – while still exercising a negative significant effect on MCW exports – become gradually less effective in restraining MCW supplies over time. Thus, although the findings consistently refute H1, they therefore suggest that the embargo-busting hypothesis should not be wholly discarded. Rather, developments in recent years, especially in light of arms transfer concessions in the War on Terror, should be watched closely and evaluated as new data becomes available.

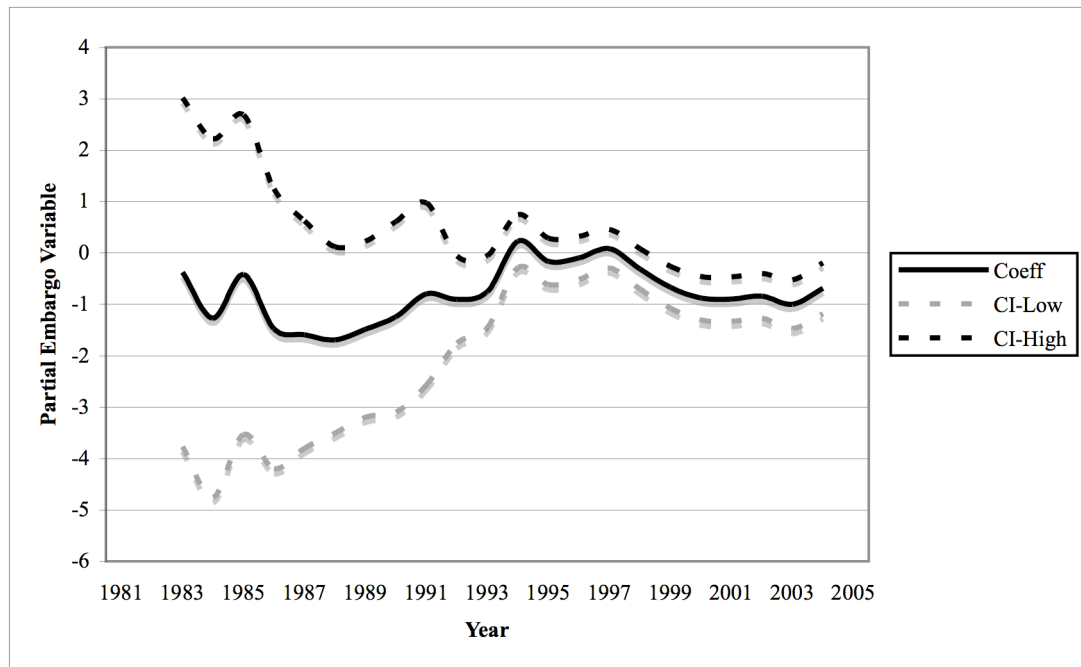


FIGURE 4.4. Moving Windows, Partial Embargoes and Small Arms

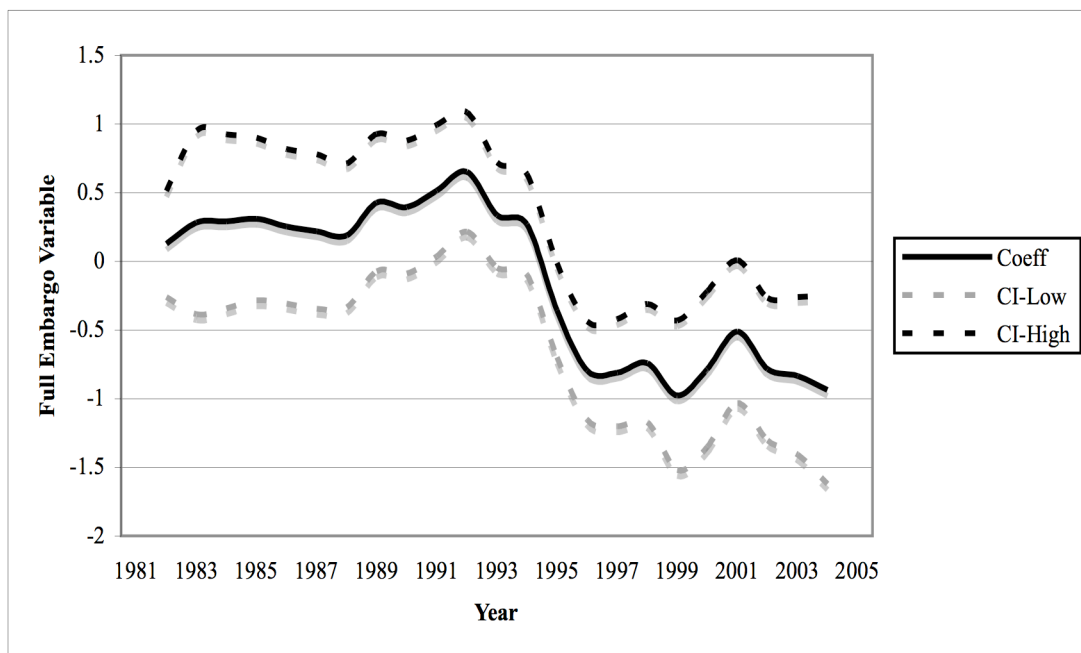


FIGURE 4.5. Moving Windows, Full Embargoes and Small Arms

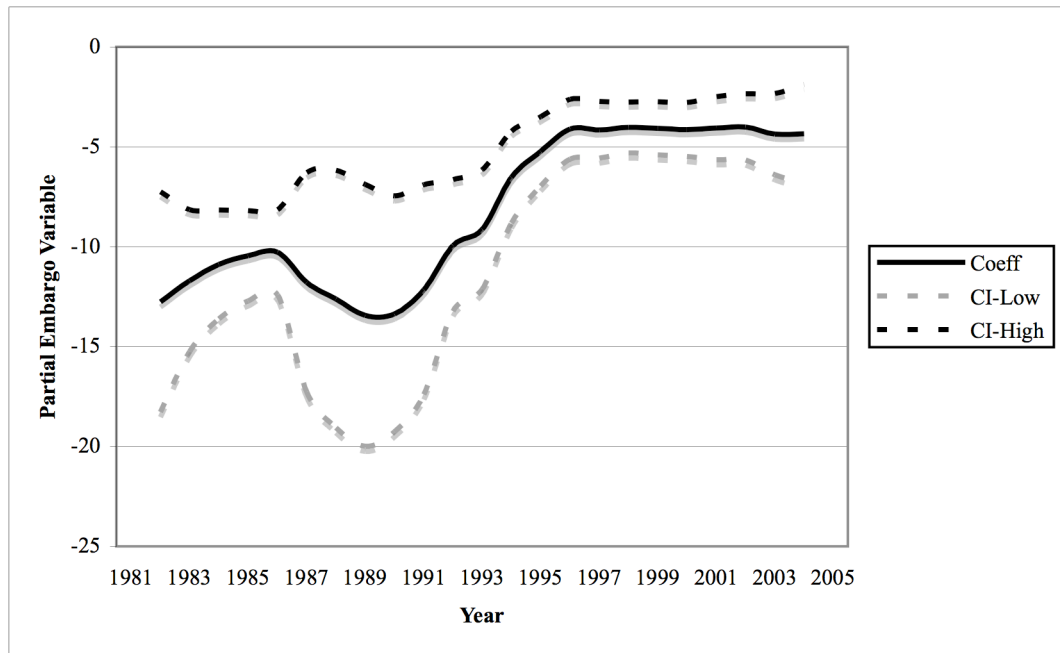


FIGURE 4.6. Moving Windows, Partial Embargoes and Major Conventional Weapons

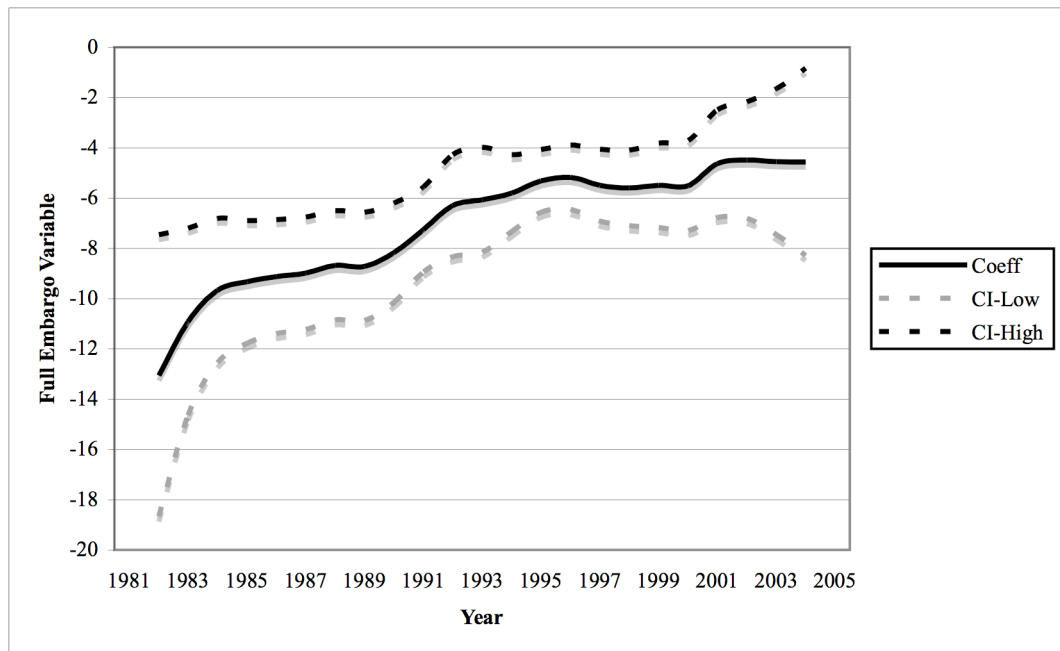


FIGURE 4.7. Moving Windows, Full Embargoes and Major Conventional Weapons

Statistical Findings: Regimes

The results for regimes are mixed at best and do not reflect the levels of compliance found in the results for the arms embargoes. This suggests that new international arms transfer regimes will stand a better chance of restricting exports to problematic recipients if they are precise, legally-binding, and include enforcement mechanisms. On the other hand, the findings also suggest that states may be willing to pursue a new international regime, even if their behavior does not necessarily already conform to its standards. Thus, although such policy choices might entail higher costs in the near- to long-term, it appears that states may nevertheless choose to respond to pressures or interests beyond their material or functional interests.

TABLE 4.4. Influence of Human Rights on Small Arms Transfers, EU Members

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0002** (9.41e-06)	.0002** (.00002)	.0003** (.00001)	.0003** (.00001)	.0003** (.00001)
Democracy	.075** (.005)	.097** (.013)	.095** (.008)	.109** (.011)	.109** (.013)
Low Intensity Internal Conflict	.173* (.084)	.375 (.213)	.176 (.112)	.085 (.158)	.239 (.192)
High Intensity Internal Conflict	-.17 (.113)	-.176 (.275)	.012 (.169)	-.304 (.236)	.549 (.286)
Good Human Rights	-.028 (.092)	-.221 (.200)	.119 (.122)	.121 (.167)	-.048 (.197)
Average Human Rights	.119 (.101)	-.161 (.226)	.506* (.137)	.697** (.195)	-.061 (.218)
Bad Human Rights	-.081 (.115)	-.243 (.257)	.360* (.157)	.840** (.222)	-.179 (.251)
Very Bad Human Rights	-.657** (.136)	-.613* (.307)	-.011 (.188)	.566* (.255)	-.746* (.322)
Constant	-1.083** (.119)	-.803** (.225)	-1.859** (.156)	-2.280** (.198)	-1.245** (.234)
Wald chi2	836.37	279.01	811.83	513.35	592.69
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	1427	931	1420	1393	1404
Obs	25517	7662	17855	8144	9711

* Significant at the .05 level; ** Significant at the .01 level

EU member states can only be called compliant with the 1998 Code of Conduct in the case of small arms exports to “very bad” human rights performers (Tables 4.4, C.16-17). Compliant practice would require statistically significant negative human rights scores in the 1998-2004 timeframe; that is, those states with less than the best human rights scores should be less likely to receive SALW.³¹ Yet while the coefficients in that period are negative, they are largely non-significant, which prevents ruling out the possibility that human rights do not influence small arms export decision-making. Only in the case of the worst human rights performers is the coefficient negative *and* significant. At the same time, the “no effect” possibility is perhaps an improvement upon earlier years. The pre-Code 1991-97 timeframe shows a positive and largely significant effect for poor human rights practices in recipient states. In other words, poor human rights performers were actually *more* likely to receive small arms transfers prior to the Code of Conduct than after it.³² As a result, although the Code was “only” politically-binding until late 2008, the possibility remains that it has nevertheless begun to exercise a small effect on member states’ SALW export behavior.

³¹ Recall that the human rights variables are dummy variables for each level of human rights score assigned by the Political Terror Scale (PTS). The reference category – very good human rights – must be excluded from the analysis. The coefficients for the dummy variables included in the analysis illustrate the likelihood of recipients getting arms in comparison to recipients with the best human rights performers. Thus, compliant practices suggest that recipient PTS scores worse than the best would be denied arms rather than being rewarded with arms.

³² Tables C.16 and C.17 in Appendix C show the results for the influence of internal conflict and democracy on small arms transfers by EU member states. Much like the overall results, democracy is positive and significant in all years and strengthens slightly over time. That is, democracies are more likely to receive small arms than non-democracies. Internal conflict, however, is mixed, and shows largely insignificant results, although high level internal conflict coefficients are negative and both low and high level conflict are negative in the 1998-2004 timeframe.

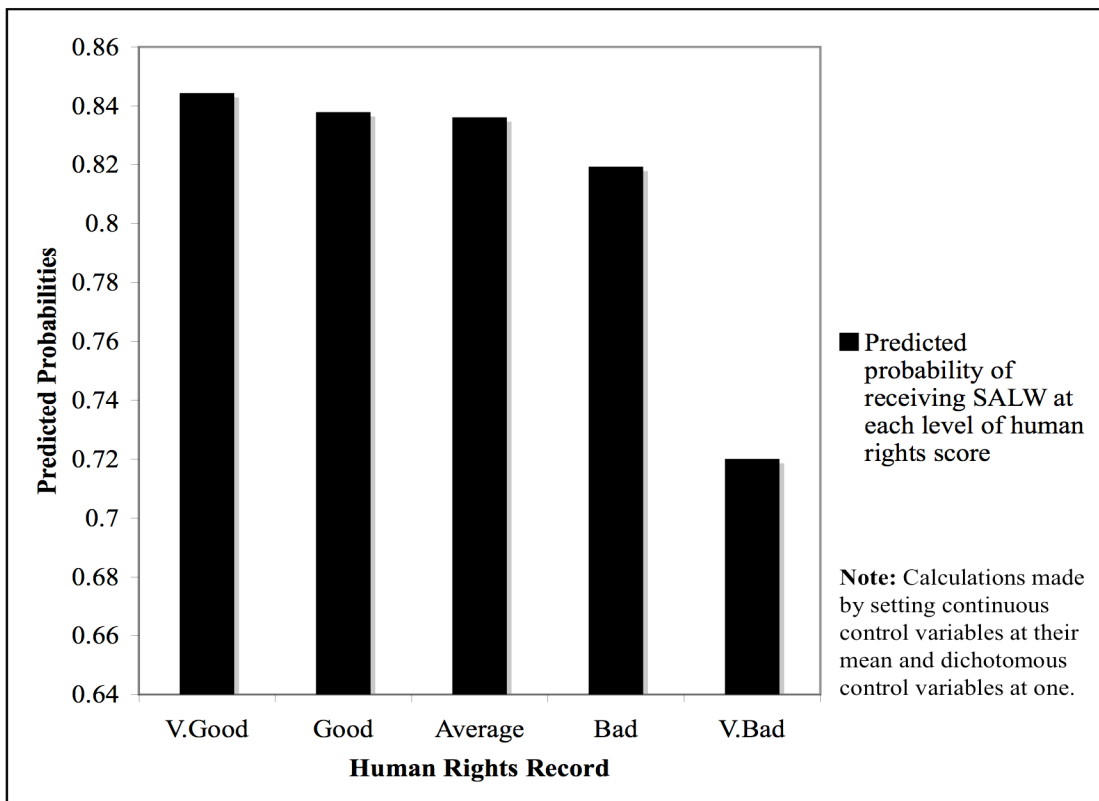


FIGURE 4.8. Predicted Probabilities for Human Rights and SALW Transfers from EU Members (1998-2004)

The predicted probabilities in Figure 4.8 help gauge the substantive effect of recipients' human rights records on EU members' small arms export practices. They show a trend similar to what the coefficients might suggest. As a baseline, a state with the very best human rights performance has an 84% predicted chance of receiving SALW from an EU exporter in any particular year between 1998 and 2004. There is a very slight decline as human rights performance deteriorates. States with "bad" human rights records still have an 82% predicted chance of receiving small arms. What is most notable, however, is the steep decline for states with "very bad" human rights records, which have "only" a 72% predicted chance of receiving small arms from an EU exporter, suggesting in the case of small arms, politically-binding regimes are not

wholly effective or ineffective as H4 and H3 hypothesized. Rather, as I explore in the case study chapters to come, supplier states might be more susceptible to the costs of noncompliance, at least in the most clear-cut cases of “irresponsible” arms exports, as H5 suggests.

TABLE 4.5. Influence of Human Rights on MCW Transfers, EU Members

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0004** (.00004)	.001** (.0001)	.0004** (.00004)	.0004** (.0001)	.0004** (.0001)
Democracy	.006 (.044)	.174 (.109)	.047 (.049)	.120 (.072)	-.013 (.068)
Low Intensity Internal Conflict	1.614* (.814)	5.695** (1.985)	-.865 (.712)	-2.781** (.931)	.749 (.993)
High Intensity Internal Conflict	5.821** (1.307)	4.348 (2.898)	3.865** (1.174)	4.393* (1.966)	2.534* (1.231)
Good Human Rights	3.491** (.692)	6.949** (1.499)	3.685** (.822)	4.425** (1.192)	3.454** (1.061)
Average Human Rights	4.116** (.702)	10.355** (1.560)	3.369** (.78)	4.819** (1.286)	2.727** (.936)
Bad Human Rights	6.002** (.905)	14.949** (2.265)	5.745** (.962)	7.395** (1.491)	4.766** (1.167)
Very Bad Human Rights	1.291 (1.151)	6.461** (2.411)	3.154** (1.004)	5.488** (1.633)	1.252 (1.201)
Constant	-.884 (.572)	-3.738** (1.036)	-1.843** (.707)	-2.28* (1.037)	-1.773* (.874)
Wald chi2	252.99	148.54	211.44	125.58	100.81
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	1427	931	1420	1393	1404
Obs	25517	7662	17855	8144	9711

* Significant at the .05 level; ** Significant at the .01 level

The results for major conventional arms transfers are less open to such optimistic interpretation, however (Tables 4.5, C.18-19). Throughout the 1990s – pre- and post-Code of Conduct – EU members show a tendency to reward poor human rights performers with major conventional arms transfers. Like the overall results provided in Chapter 3, practices attached to major conventional weapons appear to be

much more resistant to changes over time. Human rights do appear to “matter” when it comes to Europeans’ major conventional weapons exports, just not in the way envisioned by the Code of Conduct. Coefficients are, for the most part, positive and strongly significant in all periods of study. Although post-Code practices in the 1998-2004 timeframe reveal smaller coefficients, they still suggest that major conventional arms go to human rights violators. Only among the worst human rights violators in the post-Code years, where the coefficient is positive but insignificant, does the possibility of the “no effect” improvement emerge.³³

The practices of Arms Trade Treaty supporter states – of which a large proportion are members of the European Union – show similarities to those associated with the EU Code of Conduct (Tables 4.6, 4.7, C.20, C.21). In particular, human rights coefficients for small arms exports since 1998 demonstrate more compliant behavior only in so far as “no effect” is an improvement upon a “positive effect.” Worth noting again, however, is the dramatic turn-around of practices related to the worst human rights violators. During the 1991-1997 timeframe, “very bad” human rights recipients were *more* likely to receive SALW exports; during the 1998-2004 timeframe, they became *less* likely to receive SALW exports. Compliance therefore increases at the margins, in the most clearly “bad” cases of “irresponsible” arms exports, as suggested by H5. Still, practice has not become similarly more compliant in other, less extreme cases (see Figure C.37 in the appendix for predicted probabilities).³⁴

³³ Tables C.18 and C.19 show the results for internal conflict and democracy. The former appears largely non-compliant, though the lack of significance in the 1998-2004 timeframe is arguably an improvement. Democracy exercises a positive and significant effect over time. This is a sharp contrast from the results for all democratic exporters, where MCW transfers had a consistent *negative* association with democracy. As the largest democratic exporter, this suggests that the United States may assert a negative influence on the democracy coefficients in the previous chapter, in contradiction with Blanton’s (2005) findings that the US is more cognizant of democracy in its post-Cold War arms exports.

³⁴ Table C.20 shows the influence of internal conflict on SALW transfers from ATT supporter states. The results are mostly non-significant and suggest the possibility that internal conflict does not have an effect on SALW export decision-making among this group of exporters. Figure C.37, moreover, shows

TABLE 4.6. Influence of Human Rights on Small Arms Transfers, Arms Trade Treaty Supporters

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0002** (5.39e-06)	.0002** (.00001)	.0002** (6.63e-06)	.0002** (9.24e-06)	.0002** (8.28e-06)
Democracy	.090** (.0048)	.105** (.008)	.095** (.006)	.109** (.008)	.112** (.009)
Low Intensity Internal Conflict	.016 (.061)	.232 (.146)	.051 (.081)	.089 (.116)	.114 (.139)
High Intensity Internal Conflict	-.223** (.081)	-.144 (.195)	.003 (.122)	-.174 (.171)	.475* (.204)
Good Human Rights	.048 (.062)	-.167 (.131)	.092 (.08)	.038 (.114)	.013 (.126)
Average Human Rights	.148* (.07)	-.124 (.151)	.385** (.093)	.435** (.137)	.065 (.145)
Bad Human Rights	.084 (.080)	-.061 (.173)	.264* (.108)	.445** (.158)	.034 (.170)
Very Bad Human Rights	-.301** (.096)	-.342 (.213)	.011 (.132)	.392* (.184)	-.486* (.225)
Constant	-2.080** (.083)	-2.272** (.149)	-2.536** (.107)	-2.943** (.141)	-2.156** (.157)
Wald chi2	1993.94	629.68	1705.84	1059.92	1219.99
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2860	2261	2843	2789	2808
Obs	57436	19856	37580	18158	19422

* Significant at the .05 level; ** Significant at the .01 level

the predicted probabilities for small arms exports from ATT supporters in the 1998-2004 timeframe. Its findings show very similar predicted chances of receiving SALW transfers for all levels of human rights scores (49-51%), except “very bad,” which again demonstrates a decline (38%).

TABLE 4.7. Influence of Human Rights on MCW Transfers, Arms Trade Treaty Supporters

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0002** (.00002)	.0004** (.0001)	.0002** (.00002)	.0002** (.00002)	.0002** (.00003)
Democracy	.014 (.02)	.083 (.043)	.024 (.024)	.05 (.033)	.00008 (.034)
Low Intensity Internal Conflict	.674 (.367)	2.171** (.784)	-.414 (.342)	-1.292** (.422)	.432 (.506)
High Intensity Internal Conflict	2.62** (.571)	2.018 (1.137)	1.805** (.555)	1.879* (.877)	1.332* (.626)
Good Human Rights	1.633** (.322)	2.699** (.599)	1.844** (.413)	1.718** (.549)	2.156** (.588)
Average Human Rights	2.086** (.324)	4.22** (.621)	1.842** (.391)	2.152** (.596)	1.861** (.527)
Bad Human Rights	3.052** (.417)	6.31** (.912)	2.973** (.476)	3.290** (.684)	2.887** (.639)
Very Bad Human Rights	.87 (.527)	2.812** (.972)	1.689** (.494)	2.372** (.75)	1.135 (.657)
Constant	-.518 (.265)	-1.477** (.415)	-.999** (.357)	-.822 (.477)	-1.336** (.506)
Wald chi2	311.33	181.97	227.29	147.65	97.43
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2860	2261	2843	2789	2808
Obs	57436	19856	37580	18158	19422

* Significant at the .05 level; ** Significant at the .01 level

In contrast, among ATT supporter states, major conventional weapons transfers, once again demonstrate less standards-compliant patterns of behavior. Poor human rights appear to increase the likelihood of receiving major conventional weapons, instead of decreasing it. Across the board, the coefficients for human rights show the importance for MCW transfer decision-making, but rather than discouraging arms exports, appear to encourage them. In the most recent timeframe, 1998-2004, coefficients do become slightly smaller (for the most part), but again, are nowhere negative. Only for the worst human rights violators is the coefficient non-significant. This suggests again that the potential for change is greatest in the most extreme cases,

where governments may be more likely to suffer punishment at home and abroad for exporting to such incontrovertibly “bad” recipients.³⁵ As a result, states’ willingness to concede to expand transfer control initiatives from small arms alone to encompass all conventional arms exports becomes even more surprising. Although states do not subscribe in practice to export standards related to human rights, they nevertheless seek to establish a legally-binding treaty based on these standards – a discrepancy I attempt to explain in the chapters to come.

Discussion and Conclusions

Given the widespread skepticism expressed about the ability of economic sanctions to alter target state behavior, in part blamed on the ostensible disregard and inconsistent implementation by sender states, the results for arms embargoes over time are unexpected. Contrary to sanctions skeptics’ expectations, arms embargoes do appear to deter the transfer of major conventional weapons to target states. What is even more interesting, however, is the emergence of a negative relationship between SALW transfers and embargoes. Indeed, by the time small arms takes their place on the international policy agenda in the late 1990s, the evidence indicates states had begun to consider SALW as legitimate goods to withhold under embargoes and not – as previously – a tool with which to gain currency with otherwise embargoed parties.

The arms embargo portion of the analysis offers two major lessons. First, the questionable success of arms embargoes as a tool of coercion is likely not the result of

³⁵ Table C.21 shows the influence of internal conflict on MCW transfers from ATT supporter states. These results are more mixed. The 1998-2004 timeframe suggests that internal conflict has no significant effect on MCW transfers – perhaps not surprising, considering that SALW rather than MCW are more strongly associated with internal conflict outbreak and escalation. Nevertheless, the contrast to the 1991-97 timeframe is interesting. In the early 1990s, internal conflict *did* demonstrate a significant effect: Low-level internal conflict negatively affected MCW exports, but high level internal conflict positively affected them. Thus, the “no effect” findings for 1998-2004 could be considered an improvement for high level internal conflict, but a step backwards for low level internal conflict.

regular “embargo busting” by exporting states. Scholars and policymakers may wish to examine more closely the limitations of the tool itself, rather than simply its faulty implementation, in order to wield it most appropriately. Second, the findings imply the value of explicit, legally-binding standards to influence supplier states’ behavior. This resonates well with the expectations of “sanctions proponents” that formal arms embargoes will extract greater compliance with multilateral rules and norms than less explicit, politically-binding arrangements. Compliance, it seems, may not be so far-fetched if states are able to agree to set clear legal obligations – perhaps the highest hurdle in a trade historically lacking multilateral regulations. This, in turn, merits attention to the behavior of states under existing regional regime membership and as advocates of worldwide legal standards.

The EU Code of Conduct is the most comprehensive regional regime outlining states’ obligations for their conduct of the arms trade and also includes intra-EU transparency, denial notifications, and consultation mechanisms. Since its conception, member states have sought both to clarify the Code’s export criteria in order to narrow its scope for interpretation,³⁶ and to legalize it, a unanimous vote that finally gained French approval in late 2008.³⁷ Yet while the Code of Conduct is an unprecedented development for common export standards, the findings suggest that its implementation has been less transformative for EU export practices than for its policies. First, apart from the worst human rights violators, EU small arms exports have complied under the Code only in the sense that states have ceased to reward poor

³⁶ Bromley (2008) reports that such efforts have included establishing a common list of military equipment; increases in the amount of information exchanged between member states; a User’s Guide including guidelines to clarify the application of the eight criteria; and a working agreement on a revised Code of Conduct to turn it into a common position (9).

³⁷ France has been holding out its vote in exchange for a lifting of the EU arms embargo on China but is expected to change its position under its EU presidency in late 2008. Legalization would take place by transforming the Code into an EU Common Position.

human rights performance with arms exports.³⁸ Similar claims cannot be made for major conventional arms transfers. As a result, the Code's lack of legal enforcement capabilities suggests that politically-binding regimes – while less difficult to create – may be less effective in changing states' broad practices, at least outside a small subset of extreme cases. Whether this will change in the long term, once the regime has more firmly established itself, remains to be seen – especially now that the EU has transformed the Code into a legally-binding Common Position.

Similarly, supporters of the United Nations ATT process do not exhibit any overtly standard-compliant practices in advance of treaty discussions. The evidence is certainly not overwhelming in support of the idea that states champion regimes to which their practice already complies; ATT supporters largely do not comply with the principles laid out in their UN resolution to pursue the treaty. Yet, like the EU members, “no effect” is presumably better than the “reward effect” for poor human rights practices. In that respect, arms exports are more “responsible” than in the past, but this is hardly a ringing endorsement of supporter states' behavior. This suggests that not only may states promote new regimes absent the need to “address national problems caused by the existing international state of affairs” (Donnelly 1986: 616), but also that they may be willing to subject themselves to the costs of implementing rules in the future that they do not follow today. It also implies that the most probable areas for the change of states' practices are on the margins, connected to recipients that, by new standards, would clearly constitute “bad” export partners.

These findings raise two significant questions for the coming chapters, and for the project as a whole. First, the decision to pursue new regimes would seem to entail new – rather than previously absorbed – costs related to restricting arms exports. States do not currently adhere to the principles new regimes require. Why, then, do

³⁸ The EU also issued joint actions on SALW in 1998 and 2002.

states support and promote them in the international community? This question cannot necessarily be explained, it seems, as a matter of path dependence or a low-cost policy choice. Second, why do states seek to legalize politically-binding instruments and to establish new legally-binding treaties to govern the global arms trade? Since legally-binding constraints in the form of arms embargoes do exercise a significant influence on states' arms exports, it seems states are voluntarily seeking higher-cost agreements than might be expected. These two questions, which sit at the heart of the remainder of the dissertation, suggest that states' policy choices cannot be easily reduced to motives that are strictly material, strategic, or normative in any traditional sense. Rather, as I will demonstrate in the case studies, support and implementation of "responsible" arms transfer policies can be facilitated by states' concern for reputation in international and domestic politics.

CHAPTER 5

REPUTATION AND IMAGE IN INTERNATIONAL POLITICS: INTERNATIONAL SOURCES OF “RESPONSIBLE” ARMS TRANSFER POLICY

When states gathered in New York City at the 2001 United Nations small arms conference, they anticipated neither an easy solution to the problem of regulating the global small arms market, nor the widespread backing the initiative would receive. Yet among the major democratic exporters, support was expected. The European Union had already in 1998 adopted standards of “responsible” arms transfers, and the United States had had a hand in organizing and promoting the conference. Lead states were therefore caught off-guard both by the largely positive reception of the conference overall and by the prominent rejection of its goals announced by the United States at its opening. Constrained by the consensus rules of the conference, the result was the non-binding Program of Action (POA), focused solely on national standards to control the illicit small arms market. In the wake of on-going opposition by the United States and a handful of others,¹ however, separate processes have emerged to promote binding standards regulating the legal arms trade. These initiatives, most notably the Arms Trade Treaty (ATT), have garnered increasingly widespread support over time, including from a number of major arms producers.²

Top conventional arms exporters thus remain divided on the issue of new standards of arms export controls based on human rights and conflict in recipient states. Yet conventional wisdom has long suggested that *all* major producers would strongly oppose any measures imposing constraints on their trade and acting against

¹ Since 2001, the US has opposed a broader mandate for the UN small arms process, along with China, Israel, Russia, Cuba, India, and Pakistan primarily. The latter three are not known to be major exporters.

² The United Kingdom, Germany, France, and Belgium are all strong supporters of the ATT. The United States was the only state to have voted against the 2006 ATT resolution at the United Nations, which passed by 153 votes. Russia and China, along with 22 other states, abstained from voting.

their economic interests and industry preferences. Indeed, if judged by their past policies rooted in an economic drive to export arms, European suppliers would seem the prime candidates for opposition to such standards. In contrast, the United States, less constrained by economic necessity, would be freer to adopt a human rights-oriented policy and has attempted to do so in the past. Surprisingly, the reverse has transpired. European states have been among the most supportive of “responsible” arms transfer policies, to which the United States has proven highly resistant.

This chapter seeks to explain this variation among major democratic exporters and explain why some states support new arms transfer standards based on human rights and conflict. The statistical results described in the previous chapters enhance this puzzle. States do not appear to be backing regulations that mirror existing behavior, but rather are taking on new policies that require serious changes to export practices, especially if adopted in the form of a legally-binding international treaty. Moreover, as the cases demonstrate, neither defense industry preferences nor public opinion have triggered this dramatic policy shift. I find instead that states’ policy choices stem from their desire to enhance their reputations as “responsible” citizens of the international community, but that in the absence of accountability mechanisms, they are often spared the costs of thorough policy implementation.

Using in-depth case studies, this chapter explores the international political pressures behind the adoption of “responsible” arms transfer policies in five of the world’s top arms exporting democracies: Belgium, France, Germany, the United Kingdom, and the United States.³ Unlike states adversely affected by the uncontrolled proliferation of conventional arms or those with little stake in the global arms market, these states have significant incentives rooted in economic interest *not* to support new

³ Chosen from the top five small arms exporters (Belgium, Germany Italy, Russia, and the United States) and the top five major conventional arms exporters (Germany, France, Russia, the United Kingdom, and the United States). See Chapter 1 for a more detailed explanation of case selection.

standards. Indeed, in the past, the European exporters in particular have been resistant for this very reason. Yet to apply a similar analysis to current policy developments would be mistaken and misleading. The first part of the chapter therefore demonstrates that explanations reliant upon industry preferences and economic interest can account for neither the timing nor the strength of support from major democratic exporters.

Instead, as I argue in the remainder of the chapter, concern for international reputation is a primary motivation behind supporting states' policy choice. Most democratic suppliers now perceive a growing international – though not domestic⁴ – expectation to back “responsible” arms transfer policies. They respond by adopting and promoting policies as a means to signal “good international citizenship” but may not undergo a more substantive normative and behavioral shift. This suggests that, at least early on, states' policy choices may favor image promotion, acknowledging a change of international norms but avoiding the costs of implementation. Interviews with government, NGO, and defense industry representatives point to the importance of reputation in influencing states to support new arms export policies, despite low levels of accountability in practice. Indeed, as I have already shown, states' arms export behavior is a far cry from the policies they adopt and promote. Reputation linked to observable policy choices and divorced from unobservable practices thus perpetuates the policy-practice gap.

Defense Industry Preferences

Scholars commonly trace states' weapons procurement and export policies back to powerful defense industry preferences for unregulated trade, linked by the military-industrial complex (MIC).⁵ In the MIC scenario, the companies that make up

⁴ I deal with the lack of domestic public pressure in Chapter 6.

⁵ See for example: Adams (1981); Barnett (1969); Brunton (1988); Cooling (1981); Dunne (1995); Eisenhower (1961); Hartung (1996); Ikegami-Andersson (1992); Keller (1995); Kolodziej (1979);

a country's defense industrial base are not merely "passive suppliers of weapons systems but...active participants in the determination of the level of defense spending" and "an important part of a set of vested interests" (Dunne 1995: 401). Governments are in essence held captive by economic, electoral, and security needs to defer to defense industry wishes in order to maintain production capacity. Accordingly, companies use their close relationship with the state and position of economic power to turn government policy in their favor, seeking to maximize profits and expand their export market shares. The bottom line is that what the arms industry wants, it almost always gets (Moravcsik 1993).⁶ However, I argue that the adoption of responsible arms export controls casts severe doubt on the utility of an MIC explanation in this case: Governments have adopted the policies *without* industry consent, leaving industry with a choice to get on board or lose its voice on the issue entirely.

This turn of events is surprising, especially in the post-Cold War arms market downturn. As its primary investor, customer, salesman, and licensing authority, the defense industry's close and supportive relationship with the state is to be expected (Stanley & Pearton 1972: 85). Governments are intimately involved in the arms industry, from the initial financing, research, and design of weapons onward (122). This relationship is ostensibly sustained by states' security need to maintain a viable defense industrial base (Dunne 1995) and is a relatively constant feature across social systems, regardless of the domestic political structure, type of government, or degree of industry nationalization (Stanley & Pearton 1972: 122-3).⁷ In the process, it

Kurth (1971); Markusen et al. (1991); Moravcsik (1991, 1992, 1993); Pierre & Conway-Lanz (1994/95); Silverstein (2000).

⁶ Although born in the United States (Eisenhower 1961), the concept travels to industry in Europe and elsewhere in the world, as well (Cooling 1981; Ikegami-Andersson 1992; Kiss 1997).

⁷ For example, the defense industry in the former East Bloc enjoyed an equally – if not greater – status in domestic politics. Industry workers were well trained, well paid, well equipped, and allowed more opportunities for research innovation. These better conditions for defense industry employees during the Cold War "created a deep attachment to defence industrial activity," which has carried over into the difficult post-Cold War years (Kiss 1997: 137).

establishes a complex web of institutions and bureaucratic structures, in which government, military, and industry actors internally reinforce one another's interests. In democracies, it also receives external reinforcement by creating electoral bases in centers of defense production (Markusen et al. 1991). Politicians pass legislation to uphold local arms production as an important source of employment and hesitate to approve policies that could potentially result in job loss – and therefore vote loss – in their home districts (Keller 1995; Markusen et al. 1991).

The ICBL campaign, while resulting in the landmark Ottawa Treaty, did not break with MIC expectations. Indeed, NGOs worked within the constraints posed by military and industrial interests. Their ability to demonstrate APLs' lack of military utility and the negligible size and profits of the industry contributed significantly to the campaign's success. Military officials and planners acknowledged their non-use of APL due to their unreliability and limited strategic value (Beier & Crosby 1998: 276; Cameron 2002; ICRC 1996; Petrova 2007; Price 1998: 632; Rutherford 2000). For industry, the global market had been saturated by an overabundance of cheap APL, which made up an insignificant portion of the international arms trade (Beier & Crosby 1998: 280; ICRC 1996; Interview 5406225; O'Dwyer 2006: 82).⁸ In fact, some contend that the business of *removing* landmines, rather than producing them, is a far more technology-intensive, expensive, and profitable endeavor (Beier & Crosby 1998: 281; O'Dwyer 2006). Thus, it was ultimately with the blessing of key MIC players that the treaty was able to garner such sweeping governmental support. The same cannot be said for conventional arms more broadly. Conventional arms are the cornerstone of military strategy and a politically – if not also economically – important industrial base. Yet responsible arms export initiatives have gotten support *in spite of*

⁸ Beier and Crosby (1998) argue that the very absence of an industry lobby concern over the treaty suggests that a ban “does not seriously compromise their economic interests” (280).

defense industry preferences, not because of them. Indeed, each of the cases below points to reluctant support only in cases of prior government support.

France: State and Industry, Tightly Bound

The military-industrial complex has long been an important force in the politics of French conventional arms exports, where pressures to sell abroad have been particularly intense (Graves 2000; Interview 63308220; Klein 1980; Moravcsik 1992; Stanley & Pearton 1972). Marie-Hélène Labbé (1994) states, “Generally speaking, we can consider that in arms sales, what prevails are economic considerations helped by the military-industrial lobby” (201; Boyer 1996: 48). France has also traditionally had a strong statist system of market governance (Thatcher 2007), including in the defense industry, where the state is often the client, banker, insurance, shareholder, and even at times the owner (Azam 1982; Boyer 1996: 47).⁹

The developing world has been the main recipient of French-made weaponry since the 1970s (Chatillon 1983; France Comes 1995; Freedman & Navias 1997; Klein 1980; Kolodziej 1987). This has not been a matter of debate, rather one of consensus on the left and the right (Chatillon 1983: 76). Between its support for its former colonies, its desire to establish itself as a “third pole” during the Cold War, and a strong economic imperative, arms exports have been strongly and consistently supported by French politicians and their constituents. More so than other countries, the French arms trade has been the centerpiece of weapons procurement policies, economic power, foreign relations, and even conception of national sovereignty.¹⁰

⁹ Jeffrey Clarke (1981), in fact, finds that the tradition of “étatisme” in the French defense industry dates back to the time of Louis XIV and his finance minister, Jean-Baptiste Colbert (33). In the modern eras of weapons manufacturing, substantial nationalization took place from the interwar period to the onset of World War II and continued following the war.

¹⁰ See, for example: Azam (1982); Chatillon (1983); Clarke (1981); Graves (2000); Guay (1998: 108); Interview 63308220; Klein (1980); Kolodziej (1987); Martre (1982); Scaringella (1998: 47).

By the late 1990s, France's largest land armaments firm, the state-owned *Groupeement Industriel des Armements Terrestres* (GIAT), still "relied on exports for over 50% of its total turnover" (Graves 2000: 90) and suffered "gigantic losses" over the course of the decade (Lewis 2004: 82). Even more significantly, by 2005, France was exporting more than 80% of its aviation production (Interview 63308220). Yet the level of exports declined from 38.6 billion in 1990 to 19 billion five years later (Hébert 1998: 140), leaving an even stronger economic calculus to export promotion. In a country with persistently high unemployment rates, moreover, France has been one of the slowest to cut its military spending (Guay 1998: 106; Lewis 2004) and has been resistant to privatization trends (Graves 2000). French unions have blocked privatization efforts, which lawmakers have also resisted, fearing factory closures and job losses in their constituencies (Lewis 2004: 78).

Exports have instead served as an important initiative for the French state in bolstering an ailing defense industrial base (Freedman & Navias 1997: 164; Graves 2000: 104). Edward Kolodziej (1987) describes the French MIC as "a government within a government," with the "formidable resources and influence to elicit the political and economic support for what it wants as the price for its cooperation" (213; Freedman & Navias 1997; Labbé 1994). Industry recruitment from the ranks of former military personnel is common, and the educational system early on creates tight networks among bureaucrats, military, and industry officials. Relations between government and industry are strong and communication is regular, especially during export promotion and decision-making (Interview 59108220; French Move 1998; Military Asked 1995; Kolodziej 1987).

Not only is this policy change unexpected for France, so too is the fact that the government made the changes and signed onto multilateral initiatives without the lobbying or consent of the defense industry. One defense industry representative stated

that, while the idea of an ATT now seems like a good development to companies – the level playing field argument – this was not the initial reaction. Additional restraints, it was thought, would leave industry with a choice between following economically harmful regulations or risk the consequences of disobeying them (Interview 63308220). Industry's past position was "very hostile to any control that results in a drop in exports" (Labbé 1994: 213) and had fought hard to introduce simpler, less strict controls (Interview 59108220). Given the government's commitment, however, industry has acknowledged a new choice: Supporting new regulations and having its voice and expertise heard in the codification process ("telling the diplomats the reality of the business"), or being left out of the process entirely. It has opted for the former as the "only viable position," in which it is better to have a say in rules industry will have to follow regardless, than leaving the rule-making to diplomats without the expertise to understand their effect on industry (Interview 63308220).

Great Britain: Cross-Partisan Governmental Support

Despite Margaret Thatcher's attempt to remove the influence of "vested interests" on policymaking during her tenure in office, the influence and importance of the defense industry has also been a common feature in British politics (Davis 2002; Higham 1981; Lovering 1993; Phythian 2000b; Willett 1996b). The British defense industry – which in the modern era tends to be owned privately¹¹ – is not so closely connected to government as the French defense industry. Nevertheless, it has also been a source of British employment, technological innovation, national security and

¹¹ Labour did nationalize "large swaths of the British defense industry" during the Cold War, which effectively "protected [industry] from the business cycle by its cozy relationship with the state, buttressed by Britain's high levels of Cold War defense spending and the insulated defense policy-making process of the state" (Graves 2000: 60). The Conservatives, however, re-privatized companies under a "hands-off" approach during the 1980s, and Labour renounced its former call for common ownership in 1995.

defense, and foreign policy clout (Bishop & Megicks 1995; Edmonds 1980; Higham 1981; Jones & Rees 1994; Phythian 2000b; Willett 1996a, 1996b). Exports have long been seen as a matter of “commercial pragmatism,” crucial to defense industry survival and actively promoted by the British government (Stanley & Pearton 1972: 91).¹² In short, without exports, the UK defense industrial base would be significantly weakened (Cook et al. 2004; Thomas 1994), especially in the post-Cold War downturn (Jones & Rees 1994; Thomas 1994; Willett 1996b).¹³ Employment, too, has been an important theme. Tories and Conservatives alike have been unwilling to stand by “while the jobs of their constituents are threatened” (Norton-Taylor et al. 1996: 15).

Thus industry “has influence where it matters in Whitehall” (Interview 39307200), regardless of the party in power (Davis 2002). Thatcher presided over an “arms export revival” (Phythian 2000b: 20-1; Cooper 1997; Macdonald, G. 1995; Spear 1990; Walker & Gummett 1989), including the most profitable, high profile deal in British history, the Al Yamamah deal, in 1986. At the time, the press and policymakers lauded the program to export aircraft and training to Saudi Arabia¹⁴ (Arms and the Arabs 1988; White & Mauthner 1988), which enabled the UK to continue an important production line and support 30,000 jobs (Spear 1990: 170; Phythian 2000b: 22-3).¹⁵ Labour has also proven strong on defense while in office

¹² The Defence Export Services Organization (DESO) in the Ministry of Defence is in charge of British arms export promotion. The Export Credits Guarantee Department (ECGD), an interdepartmental committee chaired by the Treasury, also plays an important supportive role. See Davis (2002) for a detailed history and description of both. See also Cooper (1997); Davis (2002); Edmonds (1980); Interview 39307200; Guay (1998); Jones & Rees (1994); Macdonald, G. (1995); Mayhew (2005); Phythian (2000); Spear (1990); Taylor (1980); Thomas (1994); Walker & Gummett (1989); Willett (1996a, 1996b).

¹³ On average, defense companies currently export about 40% of their product (Interview 39307200; Cook et al. 2004: 21), up from 20% in the 1980s (Kapstein 1997: 83).

¹⁴ The *Financial Times* stated that the deal “is staggering both by its sheer size and by its strategic importance, not only for defence relations but also for investment and trade links between the two countries” (White & Mauthner 1988). The *Times* stated that it “is cause for satisfaction in Whitehall and rightly so” (Arms and the Arabs 1988).

¹⁵ The Al Yamamah deal is now the subject of a corruption scandal and under investigation for possible bribery and kickback payments to a Saudi prince for more than a decade after the deal was initially

(Gummett 2000: 268). Although it was elected in 1997 with a commitment to ethical arms transfers, it also promised to maintain the strength of the British defense industry (Gummett 2000: 269). As a result, according to critics, it has framed its export reform agenda to allow a permissive interpretation of new criteria (Cooper 2000: 54).

Prior to Labour's announcement of its intention to promote a global arms trade treaty in September 2004 (Britain Backs 2004), British industry could be counted on "to mount a vigorous defence of the status quo – or continue to stress the need for further deregulation" of arms transfer controls (Davis 2002: 119). In the past, transfer controls had been "limited by deep-rooted government interests in sales and defence industry production and ownership" (Pearson 1983: 236; Willett 1996a, 1996b). By 2005, however, international expectations and domestic pressures had changed. Although not a big producer of SALW, the government's announcement voluntarily (and, for many, surprisingly) expanded the initiative to include major conventional weapons in March 2005 (Straw 2005). Industry became a supporter only "late in the game," more than a year later in June 2006 (Fidler 2006; Interview 33207200).

Two reasons account for industry's eventual support: First and foremost, a leveling of the global playing field (Interviews 32107200, 35207200, 34207200, 36307200, 39307200) and, secondarily, the benefit to the defense industry's national image and reputation (Interview 35207200, 37207200, 39307200). Following Labour's strong commitment to ethical exports and its inclusion of an ATT in its

signed in 1986. BAE and the British Ministry of Defence have denied any wrongdoings, and the Serious Fraud Office (SFO) uncovered payments "channelled through BAE and the MOD" back to Prince Bandar (Saudi Prince 2007). The scope of the scandal has been enhanced by the Labour government's apparent reluctance to open further inquiries into the matter. Although any wrongdoings would have been committed under Conservative governments, Prime Minister Blair stopped the SFO inquiry in December 2006, arguing that it would have led to the loss of "a vital strategic partnership" and "thousands of British jobs" (Saudi Prince 2007; The Plot Thickens 2007). *The Economist* concluded in response that while the British defense industry may certainly be worth preserving, but "not at any price" (The Bigger Bang 2007). Because BAE also operates out of the US, the US Department of Justice also began an investigation into corruption charges in 2007 (BAE-Skandal 2007; Schwartz & Bergman 2007).

election manifesto, the defense industry decided that it is better to have a say in the process and that multilateral controls are the “only way to do it” (Interview 39307200). Simply put, if UK companies have to pay the costs of meeting certain criteria, they would like others to do the same (Interview 36307200). Industry now actively promotes an ATT abroad, along with the government and NGOs (Interview 32107200, 39307200). However, this did not occur until long after the government’s own commitment to legalizing responsible arms export standards worldwide.

Germany: Arms Industry at Arm’s Length (in Public)

For historical reasons, the German state has purposefully maintained a public distance from the arms industry and thus does not face the same potential barriers to support new arms restraints.¹⁶ As James Graves (2000) states, the German-defense industry relationship since the end of World War II “has been an aloof one” (83). SALW producers, for example, note a more passive approach by the government to their problems, in their view, because of their negative historic image (Interview 46307255). Yet, in the 1970s, Germany reestablished a highly concentrated military-industrial complex, albeit as a less “dangerous collection of interests as it [had] been in the past because the mental framework [had] changed” (Homze 1981: 81).

While the defense industry is not one of Germany’s largest lobbies, there is still regular contact between bureaucrats and industry lobbyists (Brzoska 1986). Ministries within the government maintain regular contact with the defense committee

¹⁶ The experience of World War II – during which the military and defense industry both were drawn under Nazi control (Graves 2000; Homze 1981) – led to a distinct post-war distaste for any signs of preferences for policies associated with German militarism or unilateralism. As Edward Homze (1981) states, both the Allies and the German public were largely convinced of the guilt of the military-industrial complex, and the largest companies were broken apart in the early post-war years in order to destroy it (76-7). The dismantling stopped only by the late 1940s, once the Soviet threat had clearly emerged (77), and a resurgence of the defense industry had begun to evolve by the 1950s (79; Davis 2002; Dillon 1981; Pearson 1986).

of the constitutionally-created *Bundesverband Deutscher Industrie* (BDI)¹⁷ (Interview 44307255). Moreover, industry often recruits retired military officers “to make use of their inside experience and contacts with former colleagues” (Cower 1986: 234). The German state has also supported industry through exports and state offsets for exports (Interview 44307255; Moravcsik 1992; Stanley & Pearton 1972: 118-9), a role that has become more active since the late 1990s (Davis 2002: 162; Freedman & Navias 1997: 164).¹⁸ Exports continue to be important as German defense spending drops and the government continues to maintain a concern for “keeping the German defence industry German” (Mulholland 2005: 23, 2003; Interview 44307255).

Arms exports “supplement [the] comparatively small domestic market in order to extend production runs, spread research and development costs and decrease other per-unit fixed costs” (Graves 2000: 78). In fact, the export market – initially established through German overseas military aid in the 1960s – helped to reestablish the rebuilding of the post-war defense industry (Haftendorn 1971). The industry’s export orientation is also, as Herbert Wulf (1996) claims, “deeply rooted” in “the internationalisation of [Germany’s] economy” (31) and has been prominent under both Social Democratic and Christian Democratic governments (Brzoska 1986).

Today, Germany is one of the world’s top producers of both SALW and MCW and has consistently been in the top five conventional arms exporters since the 1970s. According to a German defense industry representative in 2007, 70% of German defense products are sold on the export market (Interview 44307255). As such, it tries to balance the “necessary evil” of arms exports to maintain its defense industrial base with a culture of arms export restraint, born in the post-war era (Pearson 1986;

¹⁷ Federation of German Industry

¹⁸ A representative from the German defense industry, for example, notes that despite the lack of an official agency to promote German defense goods abroad, military and foreign attachés in German embassies abroad are tasked with such activities and often receive training through the BDI to become informed about German products (Interview 44307255).

Brzoska 1989; Dillon 1981; Interview 46307255; Wulf 1996).¹⁹ As a corporatist state, it also maintains a close relationship with labor and faces a need to stave off further job loss (Brzoska 1989; Davis 2002; Graves 2000; Pearson 1986).²⁰

Despite the legal restraints imposed on the German defense trade – for which the industry emphasizes its support (Interview 46307255) – companies have refrained from publicly backing similar international initiatives. The German government announced its support of an ATT in July 2005 (AI 2005), but the defense industry has maintained a low profile on the matter, given its image problem in the German domestic sphere (Interviews 44307255, 46307255). Although it gives its opinions to the government privately when asked, it consciously avoids looking too aggressive or taking its concerns public (Interviews 44307255, 46307255).

With regard to the Arms Trade Treaty, industry on the one hand thinks German government attention is focused on the wrong issue: legal sales are not seen as the real problem (Interview 46307255). Yet it also acknowledges its support, for reasons similar to the British defense industry. Faced with higher restrictions at home, German industry would like to see a multilateral leveling of the export market's playing field (Interviews 15107255, 44307255, 46307255). It also says that it cannot afford the long-term loss of reputation that might result from being seen as unsupportive of global export restrictions, although such restrictions might be costly in the short-term (Interview 46307255). Thus, while the German defense industry has often fought for a

¹⁹ Much discretion is said to surround the interpretation of German legal export restraints (Brzoska 1986, 1989; Cower 1986; Davis 2002; Dillon 1981: 108), as well as a preference for co-production arrangements with countries, like France, subject to less restrictive export guidelines (Brzoska 1986, 1989; Cower 1986; Graves 2000: 79; Guay 1998; Pearson 1986) and selling production licenses instead of finished weapons (Wulf 1996: 38).

²⁰ Davis (2002) points out that “the employment argument” became “a very effective instrument of arms trade expansion during the 1970s” in the face of economic crisis and “also enabled the arms companies to elicit some support for a relaxation of the arms export rules among trade union representatives” (161).

less restrictive interpretation of domestic policy and legislation, it has been neither a block nor a catalyst for German support of multilateral initiatives.

Belgium: A Regional Divide

Belgium is one of the world's top producers of SALW and highly reliant on exports to keep its defense industry afloat, especially in light of the limited demand from the Belgian military (Weidacher 2005: 28, 29). Estimates show both an increase in the value and number of Flemish military exports since the mid-1990s, and a decline in the number and value of Walloon military exports in that same period (Castricky et al. 2007: 29). Overall, the industry was hard hit by the end of the Cold War: Between 1983 and 1993, defense industrial employment fell by half, sales declined by 45 percent, and major companies were forced into bankruptcy or foreign ownership (Hassink 2000: 83). Exports – albeit in a much more competitive international environment – continue to form the industry's backbone. By the end of the 1990s, exports accounted for about 80 percent of total defense sales (28). In 2002, Belgium exported close to \$280 million in defense equipment, more than half of which was made up of SALW (28). Even before the sales decline of the 1990s, however, Belgian small arms firm FN Herstal's "order sheets [read] like an atlas index" (Stanley & Pearton 1972: 70). Without exports, experts agree, the Belgian defense industry would not survive (Stanley & Pearton 1972; Weidacher 2005).

The politics of Belgian arms sales are complicated by the delicate system of federalism. Arms transfer policy is made at the federal level, where export decision-making was also located until an arms trade scandal rocked Belgian politics in 2002 (see Chapter 6). Since August 2003, arms transfers licensing competence has been

held by the regional governments,²¹ which have very different – but still important – relationships with local arms industries. Although the regions must follow the same federal rules – which have been relatively progressive since 1991 – exports have been less transparent and arguably more permissive in Wallonia, where the government has much more actively supported defense industry employment (Interviews 20307211, 21407211, 22407211, 23407211, 31307211; Hassink 2000: 85).²²

Flemish military export licenses in 2007 totaled 270.3 million euros, up from 199.5 million in 2006 (Duquet 2008: 21, 22).²³ However, these numbers are considerably lower than figures for 1999-2004, when export values jumped dramatically (23; Castryck et al. 2007c: 25; Duquet et al. 2007: 39; FPI 2007b: 6). Over time, dual-use technology has been the most valuable Flemish defense good, despite lower exports in recent years (Duquet 2008: 27; Duquet et al. 2007: 40).²⁴ Europe and North America and typically make up more than 75% of licenses are non-controversial recipients.²⁵ Exports elsewhere are limited (Duquet et al. 2007: 43, 44). The Walloon region is a much larger exporter, in terms of both the value and amount of exports. In 2006, it exported 760 million euros worth of military goods to 64

²¹ The three geographic regions now hold arms export licensing competence: Wallonia, Flanders, and Brussels. The Brussels share of Belgian business is extremely tiny and is therefore not dealt with here. Regionalization has created difficulties for bureaucracy – licensing and reporting mechanisms had to be developed from scratch – at the regional level and problems for representation in multilateral fora at the international level. See Flemish Peace Institute (2007a).

²² Flanders is also discussing the prospects of strengthening federal controls in regional legislation. Regions may not liberalize from federal export law but are allowed to institute more stringent standards.

²³ The competent Flemish parliamentarian on the arms trade attributes this decrease to the decline in the export of visualization screens (FPI 2007b: 3).

²⁴ Most prominently, visualization screens. This also includes components for military aircraft; military electronic equipment; armored or protective equipment and components; military imaging equipment; airfield perimeter security barriers and lighting systems; and military equipment for protection against biological, radioactive, and chemical agents (Duquet 2008: 29-30).

²⁵ Castryck et al. (2007c) state, “The decision whether to grant or deny an export or transit licence is generally not a difficult one for the Flemish Government. The fact is that most of these licences are destined for a European or North-American country. Consequently, only a very small number of applications for export or transit of military material (23) have been denied by the Flemish Government during the past three [2004-2006] years” (91).

countries (Duquet 2008: 26; Parlement 2007: 43). The vast majority goes to North America, the Middle East, and western Europe (Parlement 2007: 49). Wallonia's arms trade features more traditional military goods, including an important SALW industry. FN Herstal, the dominant firm, derives its sales almost completely from outside of Belgium (Weidacher 2005: 33). Without a buyer when FN Herstal was sold off its French parent company in 1997, the Walloon government took on ownership to preserve the industry and employment (Interview 31307211). Economic downturn and high unemployment have meant a closer relationship between the industry and state in Wallonia, and stronger public support for that relationship. This means that Flanders may more easily be able to implement more restrictive export legislation, whereas such laws entail higher, more direct costs for Wallonia (Vranckx 2005: 17).²⁶

Nevertheless, the regions are not responsible for Belgian export control law, and its policy on multilateral initiatives should reflect a combination of the preferences of the different regions and levels of government. In practice, the regions only follow from a distance the federal government's foreign policy choices (Interviews 24107211, 25107211). Moreover, while industry is now thought to be in favor of international export restraints for the level playing field benefits, it has not pushed for support in Belgium or elsewhere (Interviews 21407211, 22407211, 23407211, 31307211). With the divorce of policy-making and policy implementation, the federal government appears freer to adopt a more restrictive policy. Industry influence appears greater at the regional level – where Flanders and Wallonia both have supported the wellbeing of their defense companies (Hassink 2000: 85) – and may instead translate into variation in strictness of policy implementation. Like Germany, then, the Belgian arms industry may have been neither a constraint nor a motivation to pursue more restrictive export standards at home or abroad.

²⁶ Two-thirds of Belgian defense industry employment is located in Wallonia (Hassink 2000: 83).

United States: The Model MIC

The United States, of course, is the original model for the military-industrial complex. The government depends on defense manufacturers to serve “as guardians of ‘national security’” (Adams 1981: 21). Manufacturers, in turn, expect that the Department of Defense (DOD) “will not force them to do business at a loss” and will ensure their costs are reimbursed and their profit margins maintained (21). They also often hire from within the ranks of retired public servants to supplement their political connections and influence (Silverstein 2000: 189-226; Wolpin 1991: 89). This interdependence between buyer and seller is at the heart of the American MIC and spills over into bureaucratic politics and electoral considerations, as well.

Weapons programs receive support from within DOD and the military as a way to justify and perpetuate their own existence (Adams 1981: 22; Wolpin 1991). In addition, contract money linked to specific weapons programs makes certain areas of the country dependent on those companies and contracts for jobs, which can win votes for incumbent politicians (Adams 1981: 23; Hartung 1996; Markusen et al. 1991; Stanley & Pearton 1971: 135; Wolpin 1991: 91). Exports were emphasized as a political issue in the mid-1990s to draw out production lines as a way to protect jobs (Hartung 1996; Nolan 1997: 139), and industry was given an institutional presence to voice its opinions at the State Department in the Defense Trade Advisory Group (DTAG) (Hartung 1996: 19-21; Silverstein 2000). Thus the mutually dependence of the MIC “iron triangle” is born: Industry, bureaucracy, and Congressional appropriations (Adams 1981: 24; Wolpin 1991).

At the same time, only the US defense industry has a large enough domestic market to support itself “without incurring prohibitive costs or a drastic decline of quality” (Moravcsik 1992: 40; Guay 1998: 86). Exports are less crucial, although the United States has long claimed dominance in conventional arms export markets as a

byproduct of foreign policy.²⁷ Traditionally, US firms have produced solely for the Pentagon, which often gives preference to American companies over foreign ones (Guay 1998: 95, 87). The government also actively promotes American defense products abroad by demonstrating goods and offering tax subsidies (Guay 1998: 96; Hartung 1996; Silverstein 2000) – practices one expert refers to as “corporate welfare for weapons dealers” (Hartung 1996; see also Wolpin 1991: 102). Yet with a rapid post-Cold War restructuring, a larger defense market at home, and a wider customer base abroad, US industry has neither suffered the same degree of downturn as European industry, nor shown a similarly high reliance on exports for survival.²⁸

Although exports are less crucial to its defense industry, the United States is the only country that has come out in unqualified opposition to all UN multilateral initiatives. These positions, however, have not had to do with industry’s influence or economic need. Instead, US opposition, driven by a distaste for binding international agreements and a vocal pro-gun domestic lobby, has led industry – much like American NGOs – to focus attention elsewhere.²⁹ The “level playing field argument” appealing to European industry has therefore failed to resonate (so far) among US firms, despite being faced with “one of the most complex and far-reaching policy apparatuses for reviewing and regulating arms sales” (Nolan 1997: 131). Industry has instead attempted to lower export restraints with certain close allies, like the UK, but fears it might also be the wrong political climate for these proposals, as well, given

²⁷ Miles Wolpin (1991) nevertheless notes an additional commercial element, claiming that “the primary civilian beneficiaries of the militarization of American foreign policy are the military-industrial complex and the ever more integrated transnational corporate sectors” (113).

²⁸ Terrance Guay (1998) writes the following about US defense companies: “Many of the companies that have chosen to remain in the defense business now find themselves in a monopoly or near-monopoly position. Most contractors are generating strong cash flows, and many cost-cutting defense firms have seen their stocks rise. While defense companies’ revenues have fallen sharply in the 1990s, profitability has risen” (90).

²⁹ One NGO representative stated that some defense firms had even privately expressed an interest in establishing an international code of conduct, but the American political climate is simply wrong to devote the resources to pursuing it (Interview 48207002).

post-9/11 concerns for national security (Interview 49307002). Similar attempts earlier had been frustrated by US export controls and its “sanctions habit” (Mastanduno 1992b: 101). Ultimately, US industry has come out in neither support nor opposition to initiatives at the United Nations. As a result, governments and industry abroad remain hopeful that their lobbying efforts directed toward their American partners in co-production might still prove fruitful (Interviews 41107200, 63308220).

Social Interest and International Reputation

In the post-Cold War buyers’ market, state support for deregulation (or at least not increased regulation) has certainly become more important for defense companies’ survival. Nevertheless, in their support for “responsible” arms transfer control policies, states have clearly chosen not to heed the economic interests of their defense industries. Most major democratic suppliers have gone ahead with new national and multilateral trade regulations *in spite of* the wishes of the weapons producers themselves. Even if defense industry preferences have become less important to states as companies have downsized since the early 1990s, this provides merely an opening – and not an explanation – for governments’ active promotion of new arms transfer standards. Yet, as I show in Chapter 6, pressure from the public at home was also largely absent as a motivation for policy adoption.

I argue here that supportive states were pushed not by domestic actors but by international pressures filtered through a desire to cultivate a reputation for “good international citizenship.” These dynamics evolve in the context of international institutions especially. As Alastair Iain Johnston (2008) notes, international institutions are social environments, which “[create] sensitivity to particular kinds of status markers” (151; Johnston 2001). In this case, institutions serve to define standards for states’ policy, make public their policy choices, and provide a forum for

diplomats' repeated interaction necessary to motivate concern for their states' reputations. In turn, the payoff for adopting compliant policies can be social and psychological and need not be solely material (Johnston 2001: 494, 500).³⁰ For the arms control community, which in the post-Cold War era has expanded to include intense discussions regarding the tools of internal conflict and repression, diplomats meet in multiple fora: The United Nations, Wassenaar Arrangement, and numerous regional organizations, including the OSCE, EU, and others.³¹

States' concern for their international reputations in this setting is different – although not unconnected to – other variations in the reputational concept summarized in Chapter 2. Policies, I argue, enhance reputation by signaling “good international citizenship.” Reputation, in this case, is not simply a means to an end, but rather an end in and of itself.³² States, whose self-images are strongly tied to international cooperation and norms, adopt “responsible” arms transfer policies in response to a perceived need to maintain (or better) their reputations. Officials show a clear concern for how their states are viewed by others and compare their policies to those of their peers. I therefore demonstrate here not how states are viewed by others (i.e., their actual reputations), but their concern for how their policy choices reflect on their image in the eyes of others (i.e., their concern for reputation).

³⁰ Johnston (2001) terms this “social influence,” which he claims can include “a number of subprocesses,” such as “backpatting, opprobrium or shaming, social liking, status maximization, etc.” (494, 499-506). See also Johnston (2008) for a more detailed explanation. Social influence is distinguished from persuasion by allowing “public conformity without private acceptance” (Johnston 2001: 499, paraphrasing Festinger as cited in Booster 1995: 96). Persuasion requires both public conformity and private acceptance (Johnston 2001: 499). The gap between states' arms transfer policies and practices strongly suggest an absence of private acceptance, despite public lauding of new arms export standards, and therefore a social influence mechanism over persuasion.

³¹ The OSCE and EU are the most relevant to these major arms exporters. Additional regional organizations dealing with small arms and the arms trade include the ECOWAS, OAS, and SADC.

³² This is not meant to rule out other uses of reputation in international relations theory (credible threats and credible cooperation), merely to offer an additional use of the concept. This also does not suggest that a reputation as a good international citizen – and the enhanced status that might accompany it – over time could not lead to later benefits such as an increased ability to enter into profitable cooperative arrangements with other states.

I use in-depth interviews with the key players in arms export policy-making – government, NGO, and industry representatives – to illustrate this concern and how it translates into states’ policy choices.³³ I do this in a number of ways: First, many participants outright acknowledge the connection between policy choice and image promotion. Second, participants reveal an acute awareness of how their policies stack up in comparison to the policies of their peers, making constant comparisons about who is the “best” and “most responsible.” Finally, Ministries of Foreign Affairs spearhead states’ policies, not their Economic Ministries. This, some participants contend, turns the focus away from states’ economic interests to a concern for their image abroad. Yet the United States also demonstrates that some states – especially superpowers – may consider themselves above the norms set by international institutions.³⁴ Still, such cases remain the exception, as I show below.

Institutional Setting

As I argued in Chapter 2, international institutions provide an important context in which diplomats interact with one another and develop states’ reputations over time. Johnston (2008) maintains that social incentives vary with the size and decision-making rules of an institution. Where groups are large and decisions are made by majoritarian rules that place members’ policy support on record, he argues, reputational incentives among states will be stronger (31-2). Since the arms trade standards I consider here grow up in medium (the EU) to large (the UN) groups, it might seem that states’ concern for reputation should vary with the decision rules of the institution. Certainly, rules do play an important role: Consensus rules in the EU

³³ To preserve the anonymity of the large majority of interviewees who requested it, I do not name any participants. More information about interview data, including coding, can be found in Appendix E.

³⁴ A similar argument might be made about rogue states as separate from – whether or not by choice – from the norms of the international community.

and the UN led to politically-binding rather than legally-binding agreements. Yet Johnston's argument also suggests that states can hide behind consensus rules to avoid harming their reputations if they dissent. In reality, however, states cannot assume that opposition will go unregistered. Especially where NGOs are allowed a place at the table, states that block otherwise popular agreements are often publicly "named and shamed."³⁵ Of course, even in closed-door meetings, the relevant in-group of participant states knows precisely who opposes a popular proposal. In all three of the institutional settings I outline below, dissenting states are identified and criticized, regardless of decision rules. Reputation, in turn, becomes an important concern for states in each setting, as I show in the remainder of the chapter.

The European Union

The EU Code of Conduct passed by a unanimous decision in the European Council of Ministers in May 1998 under the presidency of the United Kingdom. Consensus rules are commonly used with sensitive issues like foreign and defense policy and necessitate that all members – at that time 15 – approve the proposed policy.³⁶ Yet unanimity certainly did not hide France's opposition to a more restrictive Code of Conduct, and fellow members were not shy about pointing it out.³⁷ NGOs and other member states freely criticized France's long-time opposition to legalizing the Code, even as it has more recently supported its expansion and explication.³⁸ The

³⁵ It is certainly worth noting that in such cases, less powerful dissenting states can more easily hide behind the opposition of a superpower like the United States. Supporting states and NGOs focus their opprobrium on superpower opposition when present, rather than on "less significant" players.

³⁶ Not all Council decisions require unanimity. Some issues fall under Qualified Majority Voting (i.e., majority voting weighed by member population) as designated by EU treaty legislation.

³⁷ Appeasing France so that any document could be approved was a central concern of the UK presidency from the beginning. It cooperated early on with France in order to minimize its opposition, which France made clear on the Code's early drafts (SIPRI 1999: 439-41). I discuss both French and British support for responsible arms export standards later in this chapter, as well as in Chapter 6.

³⁸ In recent years, France has supported the legalization of the Code, but only if the EU agrees (also by consensus) to lift its arms embargo to China. While the EU has not lifted the embargo, France

Council of Ministers not only demands consensus over sensitive foreign policy decisions like arms export policy, but also serves as an increasingly regularized setting in which diplomats meet to discuss and debate issues.³⁹

Indeed, as I discuss further below, France seems to have had a change of heart over time and, like its European peers, now emphasizes the restrictive and responsible nature of its arms transfer policies (Interviews 59108220, 60108220). It even claims a leadership role in advancing the Code of Conduct (Interview 59108220) and oversaw legalization into Common Position in December 2008. Nevertheless, as a result of France's 1998 opposition, the final Code of Conduct had to be politically-binding and mandated a lower level of public accountability than sought by other members, who had also pursued a legally-binding document (SIPRI 1999: 439-41).⁴⁰ While UK support and leadership was largely aimed at its domestic audience (see Chapter 6), others explained their support as a reflection of their status as a "good European" (Interview 19407255). Thus, early on in the push for responsible arms transfers, states' reputational concerns were largely about being cooperative Europeans, mostly unconnected to being responsible arms exporters. Support for "responsible" arms transfer policies as a component of a reputation for being a good European developed later, as the Code took hold and expanded further. In fact, the unanimous decision to legalize the Code in late 2008 reflected member states' concern for both their own reputations, as well as EU reputation, which they feared would be undermined by

nevertheless led the transformation of the Code into a Common Position in December 2008 during its EU presidency and the ten-year anniversary of the Code (Common Position 2008/944/CFSP).

³⁹ Fligstein and McNichol observe that "between 1970 and 1980, there was an increase in the number of meetings from forty-three to fifty-nine and a similar increase to eighty in 1987. Over the period, the number of meetings of the Council of Ministers nearly doubled" (70). Moreover, foreign policy has been and continues to be one of the topics most often discussed (71).

⁴⁰ The final Code mandated that member states produce annual export reports to the EU, not that they share them with the public. In fact, France strongly opposed even the references in the document to public accountability proposed by the British Labour government (SIPRI 1999: 441), which was fresh off a national election where transparency and accountability were key issues.

maintaining the Code's non-binding status (Interviews 27207211, 37207200, 43107200, 61208220, 64208220).⁴¹

The United Nations Small Arms Conferences

Like the EU, the consensus rules of the UN small arms conferences have been more significant for the content and form of the agreement than for their reputation effects. Consensus rules are common in the UN when controversial issues are on the table (Marín-Bosch 1998; Peterson 2006) and standard practice in the arms control community (Interview 5406225; Marín-Bosch 1998). While many states supported a legally-binding document addressing both licit and illicit small arms transfers already at the first conference in 2001, consensus was elusive. The final Programme of Action was instead, to the disappointment of many diplomats and activists, a politically-binding document dealing only with the illicit small arms market. The US, to the surprise of many, announced at the conference opening its intention to oppose what it considered a fundamentally flawed document (Karp 2002; SAS 2002: 219). In particular, it was adamantly against entertaining any proposals that were legally-binding or included provisions on licit transfers or issues of civilian possession.

Consensus rules meant that the conference had to bend to the wishes of the United States, at least to the point where it would sign off on the final document. It did not, however, mean that other supportive states would not advertise or criticize US opposition in public and private. Indeed, US allies, other states, and NGOs roundly rebuked the US government for blocking otherwise popular efforts.⁴² Certainly, although it did not seem to care, the United States' international reputation suffered as

⁴¹ Members had expressed embarrassment that the EU had supported the legally-binding Arms Trade Treaty process at the United Nations without being able to legalize their own export standards. As EU president, France highlighted the importance of the legalization to EU credibility in the international arena (French Ministry of Foreign Affairs 2008), as did the European Parliament (EP 2008).

⁴² I deal with US opposition in more detail later in the chapter.

a result. At the same time, a handful of other opponents escaped widespread scrutiny because US opposition was the magnet of international attention. Lead states and NGOs acknowledge that US opposition has allowed other “less influential” opponents to maintain a low profile (SAS 2002: 220).⁴³ Indeed, it is difficult to identify in public reports which states joined US opposition with certainty.⁴⁴

The 2001 global conference resulted from numerous UN reports and sessions throughout the 1990s on the problem of the proliferation of small arms.⁴⁵ The idea for a conference to work toward an international agreement took off after the success of the landmine treaty in 1997 and was held in New York City in July 2001. Attendance included 169 member states, as well as 42 NGOs invited to address the conference.⁴⁶ Many experts, however, argue that one of the downfalls of the conference was the decision to hold it in New York rather than in Geneva (Interviews 4206225, 5406225, 9206225). According to NGO representatives, with Geneva as the home of the Conference on Disarmament, UNIDIR, and a plethora of arms control NGOs, Geneva-based diplomats were more likely to have had their mindsets changed to be sympathetic to small arms issues by their on-going conversations with other diplomats, experts, and activists (Interview 4206225, 5406225). Indeed, NGOs had explicitly sought to develop a small arms “constituency” in Geneva during the 1990s (Interview 7206225). In contrast, New York-based diplomats rarely worked on small arms issues and so lacked basic expertise and were “hard to talk to and work with” (Interview 4206225). While both locations offered an established group of regularly

⁴³ Indeed, one expert noted that the United States’ active opposition actually managed to make Russia and China “look good” despite their non-support of more restrictive measures (Interview 5406225).

⁴⁴ News sources and informal conversations with participants suggest that the “tyranny of the minority” included: China, Cuba, Egypt, India, Iran, Israel, Pakistan, and Russia also opposed a more rigorous POA (Anders 2007; SIPRI 2007: 432). Tellingly, these states abstained from but did not oppose the 2006 General Assembly vote on the ATT process.

⁴⁵ See Chapter 1 for a historical overview of the emergence of the international small arms agenda, as well as SAS (2001, 2002) and UNDDA (2002) for discussions of the origins of the 2001 conference.

⁴⁶ See UNDDA (2002: 79n17) for a full list of invited NGOs.

interacting diplomats, Geneva's diplomatic population already in 2001 offered a more direct link to small arms policy as a measure of "good" international citizenship.

Ultimately, states agreed to the watered down POA "strictly in the interest of reaching a compromise that would permit the world community to proceed with the first steps to alleviate the threat at the global level" (UNDDA 2002: 80; Greene 2002). Yet in the face of "prolonged and difficult negotiations" on an issue barely recognized by the international community a few years prior, it was a major accomplishment (UNDDA 2002: 89; SAS 2002: 229). The first conference itself was also extremely valuable: It raised small arms awareness, established a humanitarian dimension to the issue, identified possible members of a coalition of like-minded states, and forced states to go on record with their positions on small arms issues (SAS 2002: 229, 230; Greene 2002; Rodriguez 2002). Lead states had hoped it would set a foundation for future action, but subsequent conferences in 2003 and 2006 still lacked consensus. Despite broadening international support, US opposition remained consistent and stalled process from going beyond implementation of the existing document to expanding the document to include licit transfers and legally-binding criteria.

The United Nations General Assembly

When the small arms conference process deadlocked in 2006 as a result of its decision rules,⁴⁷ leaders took their cause to a new institutional setting with new rules. The 2006 General Assembly vote to start working on a legally-binding Arms Trade Treaty regulating all legal conventional arms transfers passed by an overwhelming

⁴⁷ Consensus rules, in fact, are widely cited as the reason for the small arms conferences' lack of success (SIPRI 2007: 432). As one government official told me, there were just "*Verdammt viele Länder*" [So many damn countries], making consensus perhaps an impossibly high bar to clear (Interview 16107255). Moving the initiative to the UNGA, in contrast, prevented the United States from blocking it (Anders 2007).

majority of 153 to one.⁴⁸ Majoritarian voting only intensified reputation concerns. Measures so widely popular in the UNGA signal that a new norm has become “widely shared” and a standard of conduct often cited and defended (Interview 5406225; Peterson 2006: 101). Many states did not want to be caught on record voting no, and let the US do their “dirty work” for them. Others, like Israel, simply sought to avoid casting themselves in the lot of the US – whose poor reputation was well established⁴⁹ – and chose their position by voting “one better” than whatever the US did.

Yet the reputational pressures under General Assembly voting rules cannot be isolated from earlier policy discussions in the small arms conferences. The two were inextricably linked. States that had agreed to language and initiatives before found it difficult, if not impossible, to oppose them when it came to voting on the ATT in the General Assembly (Interview 5406225). Before the December ATT vote was even scheduled, all states initially opposed to the inclusion of global arms transfer principles, except the US, withdrew their opposition before the end of the July 2006 small arms conference (SIPRI 2007: 432-3).⁵⁰ In fact, leaders used the July conference as a sounding board for states’ ATT positions to decide whether to move forward (SIPRI 2007: 433). With the fall 2006 decision to pursue an ATT separate from the small arms conferences, waters that had been tested by lead states in the summer conference became the central focus in the First Committee and General Assembly.

While the POA dealt with a wide range of complex issues related to illicit small arms transfers – which some identify as its strength and others as its downfall⁵¹

⁴⁸ The one “no” vote was the United States. 24 other states were absent or abstained from the vote, including China, Israel, and Russia. UNGA voting rules are laid out in Article 18 of the UN Charter.

⁴⁹ The US has both a reputation in the UNGA for commonly flouting the majority (Smouts 2000: 48), as well as being an obstructionist force on the small arms processes in particular.

⁵⁰ Opposition was reportedly withdrawn by Cuba, Iran, and Pakistan, leaving the United States as the sole opposition in July 2006.

⁵¹ Covering illicit small arms transfers in “all their aspects,” the POA introduced a comprehensive document with something for everyone and acknowledged the deep complexity of the problem. On the other hand, it also conflated issues of crime, state stability, and private ownership (SIPRI 2007: 438)

– the ATT resolution targeted just one issue area: legal arms transfers. This was an issue where consensus, while incomplete, had been high and states’ positions had been made known in the small arms conferences.⁵² The conferences had also over time established a high level of shared expectations for states’ policy on global arms transfer standards, and expectations did not shift from the conferences to General Assembly. Nor did their reputations – good or bad – get left behind in the transition. States’ concerns for “good international citizenship” connected to “responsible” arms transfer policy has played out across institutional venues, regardless of their voting rules. With the US clear that it would not budge, leaders involved the UNGA simply because it offered the ability to move forward through a majoritarian vote.

As the process continues in the United Nations, however, the ATT must be returned to consensus-based fora. The 2008 Group of Governmental Experts (GGE), just as the small arms conferences before them, was unable to reach consensus on the specific contents of the treaty. It agreed instead to establish an Open-Ended Working Group to continue the process. While the First Committee and General Assembly have since reaffirmed UN commitment to the ATT process by majority vote, it is difficult to see how the lack of consensus might be overcome, except to follow the example of the landmine treaty and focus on an extra-UN coalition of like-minded states. From the beginning, however, officials have been careful to keep the issue inside the UN framework to avoid highlighting UN incapacity on yet another high-profile issue. Nevertheless, stalwart opposition from a few may necessitate more drastic measures (Interview 26207211; SAS 2002: 205). The outcome remains to be seen.

and made it near impossible to achieve consensus on anything other than a politically-binding document.

⁵² This near-consensus had evolved over time. At the first small arms conference in 2001, “there was much more resistance...to negotiating international standards associated with regulating legal arms production and standards” (Greene 2002: 197).

Concern for Reputation among Supporting States

In these institutional settings, diplomats frequently meet and interact about “responsible” arms transfer controls. As one German official stated, “Over the work you get to know each other” (Interview 15107255). Although the statistical chapters have already established that states’ practice has gone largely unchanged in response to changing arms trade norms, support for policies in national and international fora has become widespread. An important source of this support across cases, I argue, stems from the reputational concerns of states deeply embedded in and reliant on the institutions of the international community. While states’ arms trade practices go largely unobserved in international politics, their policies do not.

As I show here, government officials cite reputation as a motivation behind their support for “responsible” arms export policies. They also demonstrate an awareness of the policies of their peers in the international community, comparing their leadership and the stringency of those policies with their own. In supporting humanitarian arms control policies, foreign ministries in particular seek to signal their “good international citizenship” to promote or repair their reputation abroad. These references to state identity, image, reputation, “looking good,” and other examples that confirm my reputational claims come without any leading on my part. I was careful never to ask questions directing participants to discuss reputation, image, or comparisons with other countries’ policies. I simply asked them to describe their governments’ policies and explain support for “responsible” arms export initiatives.

In general, interview participants identify the role of states’ reputation and image as a strong motivating force behind support for “responsible” arms transfer policies and related international initiatives. After the Ottawa Treaty, governments simply “didn’t want to be seen as being on the wrong side of history” with new humanitarian arms control initiatives (Interviews 7206225, 34207200, 35207200,

58107255).⁵³ Major exporters and others believed that support for “responsible” arms transfer policies – like the landmine ban – would be “good for their international profile,” a point which lead states and NGOs have successfully emphasized in lobbying potential supporters (Interviews 37207200, 34207200, 35207200). While conventional arms, as I have already argued, may be a different regulatory beast than landmines, the Ottawa experience has certainly changed international expectations: It has both altered how states’ define appropriate arms control behavior in the international community, as well as their expectations of what can be gained from their own support of related humanitarian arms control policies.

As SALW and the arms trade became the next international focus, policy support became, according to one government official, “really a beauty contest among diplomats who don’t want to be looked at uneasily by their peers” (Interview 58107255). States saw how the Ottawa Treaty “did a world of good” for Canada’s international reputation and expected a similar outcome for themselves by supporting subsequent “responsible” arms transfer policies (Interviews 37207200; 34207200, 39307200, 58107255).⁵⁴ More specifically, states perceived a certain “kudos that comes with being seen as in the forefront” of these issues in the international community and took advantage of the opportunity to build their reputations (Interviews 39307200, 37207200, 58107255). In addition, support for the POA, ATT, and similar national policies could “give an image that they are doing something” (Interview 38207200) and taking “some responsibility” for “moral concerns of the

⁵³ The UK’s announcement to renew its push for an ATT in September 2006, following the perceived failure of the 2006 UN small arms conference in particular was met with immediate and widespread support. According to Foreign Office minister Kim Howells, “There were ambassadors literally queuing up to express their support for the proposals we announced this morning and they ranged from very small countries like Mauritius to very large countries like Canada” (AP 2006).

⁵⁴ According to one international NGO representative, supporting humanitarian arms control initiatives is now considered “fashionable” by states. He states, “The landmine band established this high moral ground...it looks pretty bad if you don’t support it. This has led to the habit of thinking you can look morally good by supporting weapons related initiatives” (Interview 34207200).

impact [of the arms trade] on the developing world” (Interviews 40107200, 34207200, 41107200). Simply put, in the words of one NGO representative, “they want to look good; that’s pretty much it” (Interview 34207200). Moreover, if they oppose, they are “seen as being in bed with the US,” whose reputation in arms control and international cooperation has recently suffered (Interview 34207200). While in private officials may express doubt over the utility and feasibility of new policies, for these reasons, it has nevertheless become “almost unthinkable that [states] would say this is a bad thing” (Interviews 41107200, 43107200).

The United Kingdom: Leadership by a Major Exporter

Although, unlike the later cases, the United Kingdom has embraced new arms transfer policies largely in response to domestic politics (see Chapter 6), there is also a recent and important international dimension to its policy choices.⁵⁵ By spearheading multilateral transfer controls since 2004, the government has hoped to repair its international reputation, which had taken a hit following the Iraq invasion in 2003 (Interviews 4206225, 35207200, 37207200). Indeed, interview participants report that ATT leadership⁵⁶ was a strategic move on the part of then-Foreign Secretary⁵⁷ Jack Straw, hoping to recapture the UK’s popular “ethical foreign policy” image of the past and show that it could “be a force for good on the world scene again” (Interview 37207200, 35207200, 40107200, 41107200 43107200).⁵⁸ It was also a chance for Straw to “leave his mark on the issue” and rescue his own domestic and international standing (Interviews 37207200, 32107200, 35207200, 39307200, 43107200).

⁵⁵ British leadership on the EU Code of Conduct in 1998 in particular is most clearly seen as a response to domestic political commitments. More recent leadership on small arms and the ATT more broadly, however, is more distinctly motivated by reputational concerns at the international level.

⁵⁶ Other leaders are Argentina, Australia, Costa Rica, Finland, Japan, and Kenya.

⁵⁷ Foreign Secretary is “one of the most important posts in the British government” (Allen 1999: 208).

⁵⁸ According to reports following the Iraq invasion, “Britain’s human rights policy has been weakened by the Iraq war, military action in Afghanistan and terrorist attacks against the US” (Adams 2004).

The decision to take a visible leadership role was, then, also an expression – and intended confirmation – of the image of the post-colonial British state the Labour government wished to project (Blair 1997; Dunne & Wheeler 2001; Robbins 1997; Williams 2002).⁵⁹ More specifically, it wanted to cement “good international citizenship” as the foundation of UK foreign policy, using “responsible” arms transfer policy to signal its new image not just to constituents at home but also to peers abroad.⁶⁰ Building on the UK history of diplomacy, the Labour government knew that leadership on transfer controls would “look pretty good if [it could] pull it off” (Interview 37207200). For a government extremely sensitive to image, reputation, and public relations, this was not surprising. And, so far, it has been largely successful in rallying international support and is an acknowledged leader on the arms trade issue (Interviews 41107200, 32107200). Indeed, although Labour has simultaneously committed itself to promoting both defense exports and an ethical arms transfer policy (Cook 1997a, 1997b), it has managed to create a strong international reputation for leadership on arms export controls.⁶¹ As one government official half-jokingly said, “We’re just that good” (Interview 41107200).

Yet the UK has been careful to make suggested policies appear more than “just a British idea at the government level” (Interview 32107200). While UK support convinced many major exporters (Interview 41107200), its colonial history made its leadership more sensitive with smaller, importing countries. It has therefore worked with affected states and NGOs to make the ideas “[pick] up resonance within an organization,” in order to encourage others to agree (Interview 32107200). Yet the

⁵⁹ The Brown government, apparently, continues the search to define a post-colonial Britain. In 2008, it announced a proposal to formulate a British “statement of values” and a rumored “branding exercise” to define modern British identity (Lyll 2008). For an earlier take on the question, see also Brown (1967).

⁶⁰ See, for example: Blair (1997); Cook (1997a, 1997b, 2002); Cooper (2000); Dunne & Wheeler (2001); Wheeler & Dunne (1998); Williams (2002).

⁶¹ Some observers note that the government’s follow-through has been poor (Cooper 2000; Dunne & Wheeler 2002; Mayhew 2005), but this does not seem to have affected its reputation abroad.

government's work with NGOs has been balanced both to show its openness to civil society and to avoid appearing as though it is following NGOs' lead without question and discussion (Interviews 41107200, 43107200). The UK has thus been strategic about the image it projects when it comes to its arms transfer policy promotion.

Certainly, British NGOs have been closely involved with the government's leadership on arms trade issues, even as both sides have worked to maintain their mutual independence. Although it was Straw's support and promotion of the ATT and "responsible" arms export standards that have helped new initiatives to progress, NGOs claim the ideas behind them.⁶² NGOs had long been proponents of ethical arms transfers and had sought an international code of conduct since the late 1990s. They worked closely with the Labour Party to shape its foreign policy agenda prior to its 1997 electoral victory and have since maintained a good working relationship with the government (Interviews 33207200, 35207200, 37207200). Outside the UK, however, it has been leadership by the government – albeit often in partnership with British NGOs and the defense industry – that has accelerated support worldwide. Indeed, the role of NGOs in small and major conventional arms issues has been less prominent than in the landmine case, whether by choice or by states' design.⁶³

Thus, in the international arena, it was NGO ideas that Straw strategically adopted and promoted to the benefit of Britain's reputation in the UN especially. Headed by Straw, the decision to take a strong leadership role on arms transfer controls and the ATT was the initiative of the Foreign and Commonwealth Office (FCO), which both guides and coordinates UK external relations (Allen 1999: 207, 208). Unofficially, insiders note that, while Prime Minister Tony Blair had approved

⁶² Although one NGO representative acknowledged that the scope and form of the ATT as it is currently being discussed was "invented" by Straw and continued by Beckett (Interview 33207200).

⁶³ NGOs report that they engage in "behind-the-scenes advocacy, policy recommendations, and policy-based research" and "identify points of leverage" on the issue of arms exports (Interview 37207200). It is not clear whether this is by choice, or if it has been more forced by lead governments seeking credit.

Straw's announcement of support, the same could not be said for widening of the initiative from small arms to all unconventional arms in 2005. Despite this, British support has been well coordinated and unified across ministries, led by the FCO, which seeks to reconcile British interests and ethics with an eye to its international reputation (Interviews 32107200, 40107200, 41107200).⁶⁴ In particular, the FCO has chosen and promoted policies as a way to cultivate British reputation abroad and the image necessary to attract followers of its initiatives. The success of such strategies in the past – the EU Code of Conduct in particular – has encouraged additional initiatives, and the Labour government seen its status in the international arms control community enhanced as a result.

Germany: Multilateralism and Civilian Power

Germany's current arms transfer policy – and foreign policy more broadly – have been profoundly shaped by its World War II experience and its desire to be seen as a “good international citizen.” As a matter of course, Germany sees itself as a strong supporter of multilateral initiatives. According to one official, Germany now supports new “responsible” arms transfer policies, “basically because [they] sounded good and that's what Germany does” (Interviews 16107255, 44307255). It is at once very important for the government to be seen as international, multilateral, and “the best European” (Interviews 16107255, 44307255).⁶⁵ Because the UK had declared

⁶⁴ It is possible that, in the hands of another ministry – and perhaps another minister – less invested in international reputation, British leadership would have been unlikely. The Department of Trade and Industry (DTI), the Department for International Development (DfID), and the Ministry of Defence (MOD) are the other ministries deeply involved in UK arms trade policy and practice. DTI, however, works more closely with industry and is also concerned for the economic costs of adopting transfer standards it must implement. DfID, on the other hand, has often been frustrated that policies do not go far enough to address its concerns for sustainable development, while the MOD takes a more technical role. The FCO, in contrast, has been more focused on balancing ethical and economic interests and concern for international image and public diplomacy (Allen 1999; Martin & Garnett 1997).

⁶⁵ As one mid-1990s study of German UN policy observes, Germany stands behind UN principles in rhetoric, if not also in action. It concludes that “the multilateral frame remains the central reference

such strong support, “Germany couldn’t *not* do it” without risking the appearance of being “irresponsible” and uncooperative (Interview 45207255, 19407255).

Germany’s support in public has come despite officials’ private skepticism about the merits and feasibility about pursuing shared “responsible” standards of arms transfer control. Many “did not anticipate the [ATT] initiative to pass through and formalize so quickly at the United Nations” (Interviews 16107255, 19407255, 45207255, 58107255). Certainly, this surprise was not unique to Germany. Yet officials continue to worry that multilateral principles are neither a practical nor an efficient direction for international discussions and risk being counterproductive by taking attention away from other initiatives with the potential for more concrete results (Interviews 15107255, 19407255, 45207255). This distinction between public support and private skepticism illustrates that even in the German government – where support for multilateral initiatives is assumed to be an intrinsic element of national identity – reputational concerns can be an important policy consideration.

Cognizant of the growing “PR element” of the SALW issue, the German Foreign Ministry (AA)⁶⁶ in particular has gone from thinking post-POA initiatives were “nothing serious” to championing the ATT and shared export standards (Interview 19407255). On the one hand, government officials wish Germany to be recognized as a leader on small arms and disarmament issues in multilateral fora. They also acknowledge that, as a major arms exporter and a bigger EU country with a responsibility for leadership, arms control and disarmament are issues “Germany would like to push” in the EU and UN (Interviews 14107255, 15107255, 16107255). With Canada and others already championing small arms control, Germany went “looking for something else” and saw the ATT as a PR opportunity after failing to

point [of German foreign policy],” which “actively attends to the consolidation and further development of the UN system” (Grossmann & Hummel 1997: 21-22).

⁶⁶ *Auswärtiges Amt*

press hard enough to achieve a binding treaty on ammunition controls (Interview 19407255).⁶⁷ As EU president in 2007, Germany did keep the issue on the EU agenda. On the other hand, experts note that Germany has not maintained a position of leadership in practice; it reliably supports policies but as a leader often stops short of overcoming major power opposition (Interview 19407255). As a result, it has not been recognized as a leader promoting the issue outside of the EU on par with the UK, presumably because the AA has chosen a backseat in non-European fora.

Yet Germany's strong support would have been unlikely, had the AA not been the key agency deciding the German position. Ultimately, it is the decision of the AA leadership to push an issue on the foreign policy agenda (Interview 19407255). As one official notes, "There is a difference between the principles the AA will follow and what the BMWi⁶⁸ will follow" with important consequences for German foreign policy (Interview 14107255). The AA, as Foreign Office, is more concerned with international principles and multilateralism, and more critical of arms exports, especially as they relate to public diplomacy and support for human rights. Its diplomats represent Germany in the EU and UN and seek to emphasize German civilian power. In contrast, the BMWi is more supportive and tolerant of arms exports and does not have to be the public face of German foreign policy. It is less invested in multilateral fora and seeks instead to defend the status quo of national arms export controls (Interviews 10407255, 14107255, 16107255, 19407255, 58107255).⁶⁹

⁶⁷ One German arms trade expert reports that Germany was "disappointed with the ammunition thing and was hopeful that this would be *the* German thing." Promoting the ATT during its 2007 EU presidency seemed like a promising opportunity for leadership, though the UK had already claimed leadership a few years prior (Interview 19407255). It has been, according to many, a more passive supporter in practice and has "missed some good opportunities to seize the field to play a prominent role" (Interview 58107255).

⁶⁸ *Bundesministerium für Wirtschaft und Technologie* (Ministry for Economics and Technology)

⁶⁹ In addition, the AA has sought to be more active in international politics after Germany's more passive approach became the target of international criticism after the 1991 Gulf War when "Germany's self-proclaimed 'culture of restraint,' which was primarily meant to alleviate anticipated ears in the

More broadly, German officials consistently emphasize the strictness and restrictiveness of its arms transfer policies, especially in comparison to the requirements to the EU Code and its members (Interviews 14107255, 16107255, 15107255, 58107255). In addition, Germany takes pride in its history of arms control and disarmament (Interview 14107255). As a result, it sees itself as well qualified to promote “best practice guides for different areas of small arms” (Interview 14107255). It also claims to be “one of the more active [states] on the UN POA” and compares its leadership efforts in the EU to those of the UK, Netherlands, and France (Interview 15107255). While Germany has not taken such a substantive leadership role outside of the EU, perhaps despite its intentions, it expresses a keen awareness of its standing among European leaders and how its policies stack up in comparison.⁷⁰

Given the government’s existing interest in multilateralism and arms control, German NGOs did not have to push the AA to adopt “responsible” arms transfer policy (Interview 17207255). Rather, they “work in the same direction,” though consultation, research, and regular government-NGO working group meetings (Interviews 17207255, 10407255, 45207255). In some respects, these are relationships improvised as initiatives emerge and develop. As one government official noted, “Germany has never had a strong opinion on how to be toward NGOs” and engages them to some extent as a matter of public diplomacy (Interview 58107255). From their part, NGOs focus more on ensuring the government’s implementation of policies than on promoting its policy support (see Chapter 6). They take the attitude that if the government signs on, “we know what’s been promised, and [it also knows] we’ll

neighbouring states about a new ‘Greater Germany,’ instead provoked reproaches of irresponsibility and chequebook diplomacy” (Siedschlag 2007: 46; Nabers 2007).

⁷⁰ In fact, annual German arms export reports always describe German policies in multilateral fora and contain a section on “German Arms Exports in International Comparison,” in which the government emphasizes its outreach activities and international cooperation, while downplaying the size of its arms exports in comparison to the United States, Russia, and other major European exporters.

follow up” on its export decision-making practices (Interview 17207255).⁷¹ Taking the policies to which the German government has publicly committed, NGOs seek to enhance “responsible” arms transfers in practice as well as on paper, in line with Germany’s own self-image as a cooperative civilian power.

For many, this civilian power is a central tenant of Germany’s identity.⁷² In turn, the government promotes a foreign policy less focused on power than on building norms of global governance (Interviews 10407255, 16107255, 44307255). More specifically, it has a “fairly strong belief in the logic of transparency and in multilateral regimes” (Interview 14107255) and “aims to foster working together with other countries and developing rules” (Interview 16107255). Its arms control and disarmament policies seek to reflect this point of view (Interview 10407255). According to one government official, “if there is a code of conduct, we apply it,” whether or not the policy is a practical one (Interview 15107255). Conversely, Germany would not want to be “the one left behind,” accused of *not* supporting it (Interview 58107255). Indeed, as Germany seeks to play a peaceful, constructive role in the international community, adopting policies that uphold this public perception is a key factor behind its support for “responsible” arms transfer initiatives.

France: Changing Policy to Build Reputation

Until recently, France opposed shared criteria of arms export controls that “could ‘force’ it to give up some of its, by European standards, liberal arms export policies” (SIPRI 1999: 439). Following in the footsteps of the UK and EU, however, France today is a strong supporter of the ATT and multilateral instruments to promote

⁷¹ This suggests the use of “rhetorical entrapment” as an NGO strategy and perhaps unintended consequence of states’ adoption and support of “responsible” arms transfer policies and related multilateral initiatives (Schimmelfennig 2001).

⁷² Whether German civilian power persists (or can persist) is a matter of some debate (Harnisch and Maull 2001; Hockenos 2007; Nabers 2007; Siedschlag 2007).

humanitarian standards of “responsible” arms transfers (Interviews 59108220, 60108220). Absent – at least initially – a supportive defense industry, an interested domestic public, and an active NGO community, France’s support has been largely a matter of promoting a “good” reputation in the international community. And, as one government official noted, “the role of image” is an important consideration for French foreign policy (Interview 59108220).⁷³

French officials note that they place a high priority on promoting EU and UN arms export initiatives, but are concerned for sovereignty and security implications of imposing shared standards on “the last place of freedom,” conventional arms sales (Interviews 59108220, 60108220).⁷⁴ In private, they express skepticism about the UN processes, their lack of progress, and their possible lack of usefulness (Interview 60108220). At the same time, France claims to be one of the most involved states in promoting small arms control on the international agenda (Interview 60108220). It seeks recognition as a leader on the EU Code of Conduct, POA, and ATT, even withholding its approval of EU Code legalization until its 2008 EU presidency.⁷⁵ Officials cite their strong experience in arms control and complexity of their domestic export mechanisms as key for quality leadership. They also argue that French policies are unfairly criticized as too liberal, simply because France is more responsible than others in reporting the amounts of its arms sales (Interviews 59108220, 60108220).

Officials take pride in the restrictive and “responsible” nature of French arms export policies, despite France’s past reputation for arms export liberalism at home

⁷³ Or, according to some critics, “*mehr Schein als Sein* – long on symbolism but woefully short on substance” (Gordon 1993: 134).

⁷⁴ Arms sales to the third world – and to the Middle East and Africa in particular – were longtime tenants of French foreign policy and its assertion of its global power and leadership (Kolodziej 1987).

⁷⁵ In general, the idea that France is “destined to play leading global and European roles” has been a foundation of French foreign policy since De Gaulle (Gordon 1993: 17). As Shaun Gregory (2000) states, “For France the idea of global interests is intimately linked to those of French *rang* [rank] and *grandeur* [greatness] and to the notion, with deep historical roots, that global interests enhance French power and influence in Europe” (10). See also Utley (2000).

and policy obstructionism abroad (Interviews 59108220, 60108220). Stated one, “The French image is perhaps not that positive outside, but if you see the work of each person in the process, then it is difficult to see how you could do it better” (Interview 59108220). In response, France is attempting to build a new reputation for its arms trade policy and fighting against its past “irresponsible” and uncooperative policy positions. Since 2001, the government has identified two tracks in the UN and wants to be a part of the “good group,” which includes EU small arms leaders, like the UK and the Netherlands (Interview 60108220).⁷⁶ Moreover, officials suggest that France’s support and leadership is perhaps more important, since it claims a larger export position than the UK (Interview 59108220).

Part of its policy shift has to do with the shift within the EU on the issue, especially as the Code of Conduct has taken hold and been better explicated over time. While France had blocked the initial legalization of the Code, Sarkozy took credit for its transformation to a Common Position during his 2008 EU presidency. Since 1998, France seems to have learned that the Code does not unnecessarily infringe upon its sovereignty or its export decision-making, and that legalization would be a useful vehicle to signal its leadership and membership in the “good group” of supportive states. Moreover, the EU’s long inability to legalize the code – a result of French opposition – hindered the credibility of the EU as an advocate of a legally-binding ATT and as global actor more broadly. As France has continued to link its global influence to its membership (and leadership) in the EU (Wood 1997: 149),⁷⁷ stalling legalization became contrary to French foreign policy interests beyond the arms trade.

⁷⁶ More broadly, Gregory (2000) argues France’s high profile activity in the UN has to do with “the promotion of a positive humanitarian image for France and the support of French norms and values in the international system” (169).

⁷⁷ Among French elite, consensus over France’s support of and role in the EU is accepted and explained as “Mitterrand’s European legacy” (Wood 1997: 131). A similar argument can be made that France promotes the “prestige and capabilities” of the UN, in doing so strengthening its “own status and influence” (Gregory 2000: 170). See also Utley (2000: 187-9).

Despite its European orientation, France's main point of comparison on arms trade policy is the US, to which France relates as a major power, major arms exporter with an admired system of national export controls, and world leader in human rights promotion⁷⁸ (Interviews 59108220, 60108220). On the one hand, France sympathizes with the US, suggesting it might also prefer a narrower document focused on regional implementation, were not for its concerns about reputation in EU and international politics (Interview 60108220). On the other hand, lacking the US's exceptional power, France must promote multilateralism as a way to enhance and exercise its international influence (Tardy 2007). Support for UN processes, moreover, also helps it draw a sharp contrast between its cooperative approach and US hostility to popular initiatives.

The decisions to support the ATT and later the legalization of the EU Code have come from Presidents Chirac and Sarkozy, leaving the Foreign Affairs and Economics Ministries to follow, not lead (Interview 60108220).⁷⁹ French NGOs, too, have not been central to France's policy decision-making calculus.⁸⁰ The government takes the view that "states lead, not NGOs" on the issue of "responsible" arms transfer policy formation (Interview 59108220). In fact, NGOs did not develop the necessary background to become actively involved in arms export control lobbying in France until the ATT process in 2006 – after the government had already announced its support. Prior to that, their relationship with the government could only be described

⁷⁸ Like the US, France conceives its role in international politics as "exceptional." Thierry Tardy (2007) states, "[T]he idea of a French 'exceptionalism,' simultaneously reality and fiction, [is] contained in the conviction that France has special responsibilities, that it has a rank to hold, a particular role to play" (25). However, in contrast to the US (or some versions of its policies), France seeks security through multilateralism rather than unilateralism, which would privilege even more US power (28). See also Gregory (2000) and Gordon (1993).

⁷⁹ The Head of State prevails on major diplomatic questions and keeps a "direct relationship" with the Minister of Foreign Affairs, "which enhances coordinated action" (Enjalran & Husson 1999: 66).

⁸⁰ France's arms trade NGO culture – or lack thereof – is described in further detail in Chapter 6.

as “very tense,” both due to the government’s lack of openness on the issues and NGOs’ lack of knowledge (Interviews 60108220, 61208220, 64208220).⁸¹

Today, both sides are satisfied with French policies and with the government’s receptiveness to NGO input, although NGOs have not yet been invited to take part in French UN delegations (Interviews 59108220, 64208220). Government officials and NGOs say that this may be partly explained by the fact that France “already [has] a quite restrictive regime” (Interviews 59108220, 62208220, 64208220). With civil society now “allowed in” and transparency enhanced, NGOs are beginning to turn to monitoring policy implementation, rather than the content of the policies themselves (Interviews 61208220, 64208220).⁸² Moreover, the fact that France conceded to the legalization of the EU Code of Conduct was a point of satisfaction for states and NGOs pushing the ATT at the international level. However, to get the French government to this point, change in what would promote its reputation connected to the arms trade in the international community was first necessary, with the standard set by the UK and opportunities for France to showcase its responsible leadership.

Belgium: Missed Opportunity for Leadership

Experts on the Belgian arms trade argue that Belgian support of multilateral arms trade standards stems largely from the government “looking over its shoulder at others” (Interview 26207211). They suggest that the government did not want to “hang their neck out on this one,” supporting new initiatives mainly because of British leadership (Interviews 26207211, 30207211). In fact, there are some regrets from Belgian NGOs – who are otherwise satisfied with the federal government’s leadership

⁸¹ One NGO representative described NGOs’ past relationship with the government as always fighting and being “seen as the enemy,” as if the government “thought NGOs were putting a stone in [its] shoes” (Interview 64208220).

⁸² See Chapter 6 for more on French arms trade practices and the emergence of transparency and NGO monitoring.

on humanitarian arms control – that an opportunity was missed to position Belgium as a leader on SALW like it was on the landmine treaty and other issues (Interviews 29207211, 30207211).

It is likely that the Belgian federal government, which had been an early promoter of uncovering the links between SALW and sustainable development,⁸³ had become preoccupied by its regionalization of national arms export licensing after 2002 (see Chapter 6).⁸⁴ However, in the process of regionalizing policy implementation – but not policy-making – some observers worry that Belgium’s international credibility and reputation will suffer (Interviews 52207211, 53207211). In their view, the divorce of arms trade policy from arms trade practice could threaten the perception of Belgium’s sincerity and ability to impact other countries’ positions on the issue (Interview 52207211). Nevertheless, this does not – at least yet – seem to have occurred,⁸⁵ further suggesting that, unlike their policies, states’ arms trade practices receive little attention outside their borders. Indeed, officials believe that Belgium’s influence stems from its ability to portray its policy decisions as more neutral, rather than influenced by global economic or foreign policy interests, as well as its past leadership on humanitarian arms control (Interview 55107211).

Despite regionalization, Belgian arms trade policy continues to be coordinated by the federal Ministry of Foreign Affairs (MFA), which places a high value on its role in Europe and the United Nations.⁸⁶ External relations, including the EU, are

⁸³ See Rossel-Cambier (1997).

⁸⁴ Belgian federalism provides a separation of competences but no hierarchy between the federal and regional governments, “designed to save rather than destroy national unity” (Fitzmaurice 1996: 145).

⁸⁵ The problems for Belgian foreign policy-making have been much more practical. Federal and regional officials have been unclear how Belgium would be represented in international institutions and whether regional officials, who now implement arms export policies, should now have equal representation, along side federal officials, who still maintain foreign policy-making competences. Informal conversations with an expert in early 2009 suggest this has recently been resolved.

⁸⁶ Marc Houben (2005) attributes Belgium’s dedication to the UN and EU to its “self-image of vulnerability” that is “deeply rooted in society and widely shared by the different political parties” (31).

typically delegated to the competence of the federal government (Fitzmaurice 1996: 148, 245-50). The MFA strongly supports “responsible” arms export policies, independent of regional preferences. By now, even the defense industry has learned that Belgium “will do it if the UN wants it” (Interview 31307211). According to one official, the federal government takes input from the regions “on practical measures” but “will not accept [input from] regions that will hinder pursuing an ATT as a Belgian policy goal” (Interview 56107211).⁸⁷ And because the regions more closely represent economic interests (Interview 27207211), the MFA is freer to pursue concerns about Belgium’s reputation abroad, along with its goals to protect human rights and democracy (Houben 2005: 38). Officials see their cooperation as a matter of “[supporting] our principles on the multilateral level,” but also acknowledge that it has been driven by “pressures to support from lead nations” (Interview 56107211).

Although Belgium ultimately did not seek a leadership role on SALW or the ATT, arms control is “considered a central issue in Belgian policy” and shared standards of “responsible” arms transfers have not been a controversial topic (Interviews 56107211, 57207211). According to one NGO representative, “Like all human rights topics...everyone is proud to support [the ATT],” even if Belgian diplomats have not been the first to say it (Interview 57207211). Moreover, Belgium takes pride in its “progressive” laws and avoids projecting an “arms salesman” image (Interviews 20307211, 52207211, 53207211, 56107211, 57207211).⁸⁸ It sees its arms

Arms export decision-making aside, foreign policy in general and European integration specifically are both considered matters of consensus in Belgian politics (Fitzmaurice 1996).

⁸⁷ One NGO/think tank observes that, as of 2007 the federal government has not asked the regional governments to agree to any formal position on an ATT. The federal government will sign in the name of all governments involved and is “very pro” but has not put the issue to the regions for input in practice. The regions, however, reportedly “don’t see a reason not to follow” (Interview 21407211). NGOs, too, note that it is the federal level that is active on arms trade policy in international fora, and that they are not involved in lobbying the regions as a result (Interview 30207211).

⁸⁸ This is, in part, due to the fact that to date only Belgium – as officials and NGOs are quick to point out – has adopted the EU Code of Conduct into its national legislation. With the legalization of the Code in December 2008, however, this distinction may lose some importance.

trade policies as “best of class” and “quite ethical” (Interview 57207211). As a result, NGOs focus more on implementation at the regional level and note that the governments “don’t need civil society voices” on policy formation (Interviews 26207211, 57207211).⁸⁹ They concede both that government policy often outpaces NGO lobbying and that the public has been largely absent of policy discussions on multilateral arms trade issues (Interviews 52207211, 29207211).

With its successful collaboration on the Ottawa Treaty, Belgium has sought to position itself as a humanitarian leader.⁹⁰ As expectations of support for humanitarian arms control broadly speaking have grown in the UN, Belgium has been able to reposition itself in the international community as a result. Its small state status is no longer just a vulnerability but also a source of strength in motivating others to follow its lead. To maintain this source of strength, however, Belgium has had to be steady in its support for policies consistent with the image it projects to the international community. It has also had to overcome the past perceptions of Belgium as a historic center of global illicit arms trafficking (Adam 1989; Belgium 1987; Lowther 1991; Vranckx 2005). Dropping the opportunity to lead on arms transfer controls has not hurt Belgium’s international reputation, but it has certainly not helped it, either.

⁸⁹ This satisfaction with Belgian policy does not necessarily extend to the regions. In particular, NGOs hope that Wallonia will improve transparency measures, like Flanders, and adopt more restrictive export controls, which Flanders has promised. See AI (2007) for broad policy objectives, as well.

⁹⁰ Government officials note that “Belgium is in a good position to be a problem solver at the international level. We’ve solved quite a number of problems, have objectivity, and define a well-balanced decision, [even] punishing our own industry on mine production” (Interview 55107211). Still, Houben (2005) observes that, in a comparative light, “‘humanitarianism’ is not as strongly developed in Belgium as it is in the Scandinavian countries” (46).

The United States: The Voice of Opposition

The United States has been the only UN member to openly oppose an ATT and has been the primary voice of opposition on other UN small arms initiatives.⁹¹ This suggests that, while the United States is certainly active in regional and international institutions, it is less dependent on them to confer its international standing. The US case implies that the US may see itself as free of some of the reputational concerns faced by others, by virtue of its “exceptional” position of power in the international community. As a result, leaders in the US government⁹² may view their international reputation as independent from the multilateral institutions of which it is a member, or perhaps not a concern at all.

Yet for many diplomats, experts, and advocates, US opposition is puzzling. First, its arms export control policies are considered among the best in the world – indeed, a model for other countries. According to pro-control American NGOs, the US has “some of the best laws on the books” when it comes to arms exports (Interviews 48207002, 50207002, 51207002). From a practical standpoint, this means that global export standards would not likely require changes in US national policies (Interview 51207002). Prior to the July 2001 UN conference, the US had also expressed an interest in globalizing its “best practices” (DOS 2001).⁹³ Second, in the past, the US

⁹¹ Russia and China were said to be part of opposition to a stronger POA but have only abstained on the question of an ATT.

⁹² Please note that the DOS agreed to meet with me but repeated contacts over many months failed to garner a follow-up to schedule an actual conversation. I continue to attempt to obtain a meeting with the key US representative in small arms negotiations. As a result, however, it is difficult for me to represent government motivations on US arms transfer control policies without some speculation.

⁹³ Some suggest, however, that the existence of stringent controls in the United States is a reason getting support for such initiatives from politicians is so difficult: “[M]any feels that the United States already has good laws regulating the arms trade, and that other countries should bear the responsibility for improving their own systems and raising their own standards” (Stohl 2006: 13), though this does not directly coincide with government policy statements, which claim a role in attempting to enhance controls elsewhere, for security and trade reasons. See GAO (2000).

had led initiatives to establish shared standards of arms transfer controls.⁹⁴ Early on, it claimed a leadership role in the preparations for the 2001 UN conference and in global small arms control more broadly (DOS 2001; GAO 2000; SAS 2002: 219).⁹⁵

Since July 2001, however, the United States has been labeled an “obstructionist” on international small arms processes (SAS 2002: 219; SIPRI 2007: 433). According to pro-control NGOs, the US is consequently “seen as the bad guy by a lot of states,” with an “arrogant” attitude, “no interest in abiding by the rules,” and an inability to “play well with others” (Interviews 48207002, 51207002).⁹⁶ Instead of its international reputation, as I explore below, the US government has focused on its concern for its image for a certain segment of the domestic public and on an overriding skepticism toward international regulatory instruments in general.

With the election of President Obama, who has indicated his priority for rebuilding the United States’ international image, if and how US policies on these issues change will be interesting to observe. On the one hand, the fact that UN initiatives have developed most rapidly from 2001-2006, all under the Bush administration, leaves open the question of whether US policy has been a consequence of Bush’s principles and preferences. In particular, the influence of the National Rifle Association (NRA) and an extreme wariness of multilateral treaties may therefore weaken after 2008. On the other hand, there are also elements of continuity across

⁹⁴ See Chapter 1, for example, on President Carter’s CAT talks in 1979, as well as his unilateral initiatives to insert human rights considerations into US arms export policy. In addition, in 1999, Congress also passed legislation requiring the president to start working on an International Arms Sales Code of Conduct in FY 2000-01.

⁹⁵ According to a 2000 GAO report, “The US government has taken the lead in (1) creating international standards for governments to prevent illicit small arms transfers, including helping to negotiate the first regional agreement designed to prevent and combat illicit firearms trafficking in the Western Hemisphere, (2) establishing mechanisms to govern small arms transfers, such as strengthening export control procedures and complying with arms moratoriums, (3) developing diplomatic initiatives with other nations and multilateral organizations, such as the United Nations and the European Union’s ‘Statement of Common Principles on Small Arms and Light Weapons,’ and (4) helping other nations to destroy their excess weapons as the United States did in Liberia” (5).

⁹⁶ This theme was certainly clear in my interviews outside of the United States.

presidencies and political parties in power. The US government under Clinton, after all, did not sign the Ottawa Treaty – a document that came with potential domestic political gain, not the feared domestic costs attached to small arms control.

Domestic Politics and the NRA

Observers of the small arms process at the UN argue that US opposition can be traced back to the influence of the NRA⁹⁷ on the Bush administration, with no showing from the domestic gun control lobby to counter it (Interview 48207002; Karp 2002: 191; Stohl 2006: 10).⁹⁸ NRA rhetoric has certainly been aimed at rousing its membership base, making it the only segment of the US public attentive to – and angry about – US participation in UN initiatives (see Chapter 6). NRA Executive Vice President Wayne LaPierre (2006) refers to the small arms conferences as a concerted effort by the UN “to strip the Second Amendment from our Constitution” and “a battle for America’s soul” (ix, 17). In conceding to a legally-binding arms trade treaty, or indeed any UN measures related to small arms control, the NRA has expressed a fear for the restriction of US Second Amendment rights.⁹⁹

⁹⁷ I was unable to interview any NRA/WFSA representatives for this project. Contact with the NRA went unanswered and while contacts with their UN representative directly yielded two separate agreements to talk, follow-ups to schedule over the course of a year also went unanswered. The NRA is represented at the UN by its international umbrella organization, the World Forum on the Future of Sport Shooting Activity (WFSA).

⁹⁸ According to Rachel Stohl (2006), “This influence ranges from the presence of NRA board members on the US delegations at the UN and other multilateral meetings to the catering by US officials to NRA positions in policy statements and speeches” (Stohl 2006: 10). Stohl, it should be noted, is an arms trade expert at CDI and was the choice of the pro-control NGO community, nominated by Senator Dianne Feinstein (D-CA) for one spot on the 2006 US delegation. Stohl was turned down in favor of three NRA-affiliated members. NRA-affiliated delegates were also present on the 2001 US delegation.

⁹⁹ Some NRA members go further, to suggest that the right to bear arms is a human right more universal than the US constitution (see Schmidt 2007). LaPierre (2006) at times also takes a more expansive approach and writes that the UN delegates were “all gathered to do one thing – take guns away from every law-abiding citizen in the world” (22, also 17). Scholars, however, have contested this claim in a comparative context, finding that some states have explicitly rejected Second Amendment-like rights in their own national laws, while international law protects *states’* right to self-defense, not individuals’ right to self defense or to bear arms. See especially Frey (2006) and Miller et al. (2003).

The United States has explicitly cited concern – unlikely to change drastically under a new administration – for domestic laws and norms of civilian gun possession as a source of its caution with the UN processes (Greene 2002: 200). The US State Department (2001) writes,

Traditionally, it has been national rather than international laws that prescribe the terms of possession and use of small arms and light weapons by security forces and private citizens...Cultural norms, social values, and historical traditions affect domestic regulation of weapons...The armed forces, police or militia in most countries are permitted to carry and use small arms in accordance with domestic laws, and in some countries such as the United States, private citizens can do so as well. The right to own and bear arms can even be provided in national legislation and national constitutions, as is the case of the United States. Proposals to control small arms and light weapons must take into account such differences in national orientation and the fact that states jealously guard against any encroachments from outside into their domestic policies.

However, while there is serious international disagreement about civilian possession, UN initiatives have been careful to avoid these issues. It is therefore difficult to attribute US opposition to “responsible” trade controls solely to concern for the Second Amendment. Yet even as civilian possession has been excluded from UN discussions, the NRA has painted a picture for its constituents of UN processes targeted at eliminating their guns and, with their guns, their freedom (LaPierre 2006).¹⁰⁰ This, in turn, seems to resonate with some US citizens who have a certain idea of US identity, rooted in a national self-image tied to the western frontiersman, explorer, and farmer (Squires 2000; Uviller & Merkel 2002). In some respects, the government’s position may therefore play into these images of US identity for this constituency, rather than objections to substance of the agreements themselves.

The interpretation of the Second Amendment is also a matter of debate. Most recently, see the Supreme Court case *District of Columbia v. Heller* (2008). See also Liptak (2008) and Uviller & Merkel (2002).

¹⁰⁰ Nevertheless, regarding the focus of the UN conferences, LaPierre (2006) states, “No, the target of the conference was revolvers, pistols, shotguns, and rifles. Your guns. And your rights” (x).

For the NRA, too, there may be more to the story. While its persistence may help keep civilian possession off the table (in order to keep the US at the table),¹⁰¹ the issue of “responsible” arms transfers seems unrelated to its objectives and concerns. As Aaron Karp (2002) observes, “Despite the wild rhetoric of some of its leaders...[the NRA’s] exclusive concern was protecting the rights of US civilian gun owners to buy and sell firearms as they pleased...As it learned that domestic disarmament was not part of the [UN] agenda, it grew more comfortable” (190). Karp notes that the NRA has “accepted international action as long as the run rights of the American public were not affected,” a point that the UN has been careful to drive home throughout its conferences (190). Instead, he suggests that NRA leaders have “delighted in using the UN process as a whipping-boy” to feed into the distaste of “extreme supporters” to “anything connected to the UN” (Karp 2002: 190).

Karp’s explanation seems plausible. LaPierre (2006) notes that the NRA used the small arms issue in the 2000 election to rally support to its cause and preferred candidates.¹⁰² In particular, the NRA has reportedly used the POA and ATT processes to solicit additional funds from its members.¹⁰³ Former NRA lobbyist Richard Feldman (2007)¹⁰⁴ identifies this as a common NRA strategy: “[D]rawing nice clean

¹⁰¹ For example, the pro-gun NGO representative at the UN, Thomas Mason (2002), expresses his concern that while civilian possession was off the table in 2001, it might be considered later. He states, “The conference POA left little doubt that the overall drive for international regulation will continue... Unfortunately some states still seek to resurrect the issue of civilian possession of firearms” (205).

¹⁰² LaPierre (2006), in fact, attributes outcome of the 2001 UN conference to the work of the NRA in the 2000 election, stating “If Al Gore had won that election – and he would have won if the NRA had not put George W. Bush over the top in West Virginia, Missouri, Florida, Arkansas, and Tennessee – then the 2001 UN antigun conference would have had an entirely different result” (53).

¹⁰³ Calling the UN “the most lethal threat ever to our Second Amendment rights,” LaPierre (2006: 59) encourages Americans to join “this epic battle” to “ensure that freedom prevails again” (xxv) and pleads for funds with which to combat the NGOs working against American freedom (xxiv). In his one comment on the ATT process, Feldman (2007) also mentions receiving these appeals (279).

¹⁰⁴ Feldman is a devoted NRA member and Second Amendment rights advocate. However, his relationship with top NRA leaders, by his own admission, is now tense due to work he did with the small arms industry on gun safety legislation to avoid lawsuits in the mid-1990s (Boyer 1999; Feldman 2007). Still, his assessment of NRA tactics on separate issues seems to fit with the arms trade issue.

lines with ‘us’ and ‘them’ to battle over makes for far more successful direct mail solicitations” (285) in order to “[manipulate] its members to shake loose contributions” (130). Yet a less incendiary line still congruent with NRA objectives could also be imagined, in which the NRA would support “responsible” arms transfers, just as it supports “responsible” gun ownership and use. Thus, the decision to take such a vocal adversarial stance on multilateral arms trade initiatives may also stem from institutional fundraising objectives. From the perspective of US policy-making, however, this activates a domestic constituency¹⁰⁵ strongly opposed to US support of multilateral arms trade initiatives. For the Bush administration, because of the Republican Party’s closer relationship with the NRA, considerations for the reactions of this constituency may indeed be significant for its political calculus. Certainly, it also affects the strategies of pro-control NGOs, who saw the costs of getting involved under the Bush presidency as far outweighing the benefits.¹⁰⁶

American Exceptionalism and Aversion to Multilateralism

Observers of US foreign policy beyond arms transfer policy, however, see a larger pattern at work, in addition to NRA influence in domestic politics. The Bush administration’s opposition to multilateral international initiatives has not been limited to UN arms trade processes, but has been broadly applied, raising questions about

¹⁰⁵ Note that the NRA has had a very consistent position on multilateral arms trade initiatives. Yet it is worth pointing out that NRA membership – or the “pro-gun” constituency more broadly – should not be considered a homogeneous mass. There are also members who believe the organization should stay out of issues like the arms trade and focus on firearms safety and hunting. The NRA’s relationship with the US small arms industry has also changed over time. From the late 1980s to the late 1990s, industry worked instead through the now-defunct American Shooting Sports Coalition, believing that the NRA did not look out for industry’s practical economic interests (Feldman 2007: 143-6). Especially as firms anticipated a “big tobacco”-like lawsuit in the mid-1990s, anxieties over business and profits overshadowed the NRA’s uncompromising positions (Boyer 1999). For example, see Brown & Abel (2003) for the story of US gun manufacturers’ adoption of a code of conduct and the NRA’s reactions.

¹⁰⁶ As one pro-control NGO representative stated, “In general, people in leadership positions in the Bush administration are not favorable to working with [our group],” and it’s “frustrating pushing the US when you know the administration wouldn’t support it” (Interview 48207002).

whether the world will continue to accept US leadership (Thomma & Strobel 2001; Koh 2003). The Bush administration's distaste for multilateralism has extended beyond arms export controls to include withdrawal from the ABM Treaty, withholding support from the updated BWC, refusing to sign the Kyoto Protocol, and opposing the International Criminal Court. In general, it has looked unfavorably on any legally-binding agreements that would tie the United States' hands in foreign affairs and force it to compromise its interests. Post-September 11 especially, the US has "downgraded multilateralism as a substantive goal of American foreign policy," preferring instead to keep its options open (Sperling 2007: 182). Pro-control NGOs have noted this "anti-international agreement attitude" that seeks to avoid an obligation to non-US rules "to govern US foreign policy" (Interview 51207002). For the arms trade, this has meant – independent of the NRA – the government rejecting external restraints on its ability to use arms transfers as a political tool (Stohl 2006: 10).¹⁰⁷

While pro-control NGOs hope for this attitude to change with a new administration (Interviews 48207002, 51207002), it could be symptomatic of a broader trend across presidential administrations. Arms trade experts point out that the US has consistently resisted subjecting its arms exports to human rights criteria in favor of other foreign policy objectives.¹⁰⁸ William Hartung (2001b) also describes the commercialization of weapons sales under Reagan, George H.W. Bush, Clinton, and George W. Bush. Moreover, US support for the UN small arms processes under Clinton was not a given, despite what organizers may have believed at the time. One

¹⁰⁷ Stohl (2006) observes an increase in US interest in arms export controls to keep arms out of the hands of terrorists at the same time it has loosened controls to support allies, despite formally condemning their past human rights violations, support of terrorism, and lack of democracy (10). She finds that the US has lifted arms embargoes to Armenia, Azerbaijan, India, Pakistan, Tajikistan, and Yugoslavia, and increased exports to Djibouti, Kenya, and Nepal, all since 2001.

¹⁰⁸ See Chapter 1 for a discussion of US arms transfers under Carter and Reagan. Both Clinton and Carter relied heavily on case-by-case exemptions, despite general policies that may have appeared more in line with current calls for "responsible" arms export controls.

pro-control NGO proposes that the origins of US opposition actually came under the Clinton administration (Interview 50207002). On the UN small arms process, it took a simultaneously supportive and “cautious” approach (Karp 2002: 189). Another NGO representative speculates that US policy under Clinton likely “would have had hesitancy” to support an ATT (Interview 48207002). Here, the United States’ refusal to sign the Ottawa Treaty without its requested exemptions is instructive. The Clinton administration argued that the United States’ exceptional power confers on it exceptional global responsibilities and therefore a need at times to put aside international norms and rules. Thus while expressions of US exceptionalism under the Bush administration may have been less nuanced and less attentive to its soft power and image in the international community, the exceptionalism itself is not unique.¹⁰⁹

Indeed, US exceptionalism is embedded both in the United States’ self-image as “an agent...for good in the world and for righting geopolitical wrongs” (Sperling 2007: 171) and its abundance of hard and soft power (Koh 2003).¹¹⁰ Rooted in its national origins and confidence in domestic institutions, the US self-image may as a result not rely on its status in international institutions, unlike its European allies.¹¹¹ Yet disregard for international norms and institutions under the Bush administration in particular has resulted in a blow to US reputation that “no amount of ‘public diplomacy’” can fix “to convince the rest of the world that the United States is really

¹⁰⁹ Scholars observe a similar anti-UN attitude by the Reagan administration during the 1980s (Marín-Bosch 1998; Smouts 2000). Indeed, the US’s “lack of consideration for the majority” (Smouts 2000: 48) and instrumental regard for multilateralism (Sperling 2007: 188) is considered consistent over time and simply stronger under the recent Bush administration.

¹¹⁰ For recent discussions about the origins and consequences of US exceptionalism, see for example: Chayes (2008); Fuchs & Klingemann (2008); Ignatieff (2005); Koh (2003); Kohut & Stokes (2006); Lipset (1996); Madsen (1998); Masur (2009); McEvoy-Levy (2001); Mertus (2004); Patman (2006); Sperling (2007).

¹¹¹ Michael Ignatieff (2005) notes that the stability of US politics and institutions has led in part to its “legal isolationism” and reluctance to look to international law and foreign precedents in US law (8-9), as well as a sense of self-sufficiency and lower incentive “to stabilize its own institutions with foreign treaties,” unlike the European powers (17).

acting in the best interests of mankind” (Walt 2005: 231). Internationally, the consequences may be – like the widespread support of an ATT in opposition to US policy – a distancing of other states from the US foreign policy agenda (Walt 2005: 220). Domestically, a growing backlash against the decline of US world standing was palpable throughout the 2008 election process, leading the candidates to declare the need – echoed by IR scholars – to improve the US status and image abroad (Chicago Council 2008; Only in America 2008; Koh 2003; Kohut & Stokes 2006; Walt 2005). The irony is that its perception of superior power may be why the US places a lower value on its international reputation but also why it should care more about its reputation – especially to cultivate its soft power, assuage the fears of the international community, and promote a stable and rule-bound international order.¹¹²

Conclusion

States’ support for “responsible” arms transfer policies has spread dramatically in the past decade. Yet economic incentives and domestic political gain seem largely absent from states’ decision-making calculus. Indeed, signing on to “responsible” arms export controls may even entail economic, foreign policy, and domestic costs for states with large defense industries dependent on exports to survive. In the absence of any discernable strategic gain for – and in the presence of possible costs to – states’ economic or security policies or, as I show in Chapter 6, important domestic interest groups, realist, neoliberal, domestic preference-based theories provide little help in explaining states’ policy choices. Instead, I argue that states adopt “responsible” arms transfer policies to enhance their international reputation. By supporting these policies, states hope to signal their “good international citizenship” as cooperative, peaceful, and human rights-oriented members of the international community. In doing so,

¹¹² See Ikenberry (2001) and Koh (2003).

states do not achieve any direct economic or hard power benefits – and, as I have already noted, in fact may see costs to both – but do enhance their social standing with perhaps longer term benefits for their soft power.

The US case and international reactions to its stalwart opposition to shared arms export standards demonstrate that there may indeed be substance behind states' concerns for their international reputation. Certainly, these considerations have been clear among major European exporters, despite their past policies of arms export promotion. This is not simply a European phenomenon. As I show in the concluding chapter, international reputation has an important effect on the arms transfer policies of states outside the EU, as well. However, I first address the question of policy compliance – that is, the political motivations behind states' arms export practices. While international reputation may encourage certain policies among major exporting democracies, these pressures, I argue, are largely absent from encouraging practice that mirrors policy. To that end, I examine arms trade scandals and governments' concern for their reputations in domestic politics as a major factor behind their policy implementation. Yet, as I have already shown, the gap between states' policies and practice remains large. Thus reputational pressures at the international level are strong in motivating policy choice but pressures to implement new policies remain weak, except in a small subset of cases, which I turn to next.

CHAPTER 6

SCANDAL SENSITIVITY AND TRADE TRANSPARENCY: DOMESTIC SOURCES OF CONVENTIONAL ARMS EXPORT RESTRAINT

In 2001, two years after he left office, former Argentine president Carlos Menem was arrested for accusations of his involvement in a series of secret arms deals during his decade in power (1989-99). At 71 years old, he was the first democratically elected president of Argentina to be put under arrest. The cause – two arms trade scandals – broke in 1995 with newspaper reports of thousands of tons arms and ammunition shipments to Croatia and Ecuador between 1991 and 1995 (Argentina Violated 1995).¹ But it was not for another five years that Menem was formally charged with using his office to authorize weapons sales in violation of a UN embargo and a regional peace agreement respectively. A charismatic, popular figure despite numerous charges of corruption, he maintained his innocence throughout his six month-long house arrest and claimed, as he had while in office, that the shipments had been illegally diverted from their approved destinations. While most Argentines believed him guilty, few believed he would be convicted. Indeed, as is often the case in arms trafficking and corruption charges, the accused was eventually released due to a lack of evidence for conviction. Similarly, the private brokers allegedly tasked to carry out the deals were detained but never indicted.

Others among the 50 cabinet officials, military commanders, and personal advisors, including his Minister of Defense and his former brother-in-law, implicated

¹ Ecuador was involved in a three-month border war with Peru in 1995. At the time, Argentina was on friendly terms with Peru and charged as a neutral guarantor of a 1942 peace treaty between the two parties. Arms sales to Croatia – where Argentina also contributed troops to a UN peacekeeping force – were prohibited by a UN embargo during the Balkan Wars, effective from 1991 to 1996. From 1991 to 1995, Argentina delivered shipments of 5,000-plus rifles and 75 tons of ammunition to Ecuador and 6,500-plus tons of weapons to Croatia (Wood & Peleman 2000).

in the case were not so lucky. Although some did escape the country, several were forced to resign their posts and arrested. Two more were found dead under “mysterious circumstances.” The dealings reached far into the Argentine administration and, according to one minister, “complicated [its] image abroad” as peacekeeper and ally (Argentine Foreign Minister 1996). A Buenos Aires news agency labeled it “an international blunder of unforeseeable magnitude for the country” (News Agency 1996). The scandal ended political careers, further deteriorated trust in government, injured foreign relations, and embarrassed the government at home and abroad. Argentina has since sought to compensate with a visible policy turn toward responsible arms exports,² becoming a lead state on the UN Arms Trade Treaty and chairing the ATT Group of Governmental Experts in 2008.³

This is merely one case of arms trade scandal among many in the post-Cold War era and illustrates at once the difficulty of accountability in the murky world of illicit arms trading, the far-reaching implications of political scandal, and the importance of reputation to states and their leaders. With the growth of transparency measures, accompanied by a gradual shift in behavioral norms, such scandals have become much more widespread and their effects on government reputation more threatening. Other countries with reports of arms export scandals since the early 1990s include: Belgium, Bulgaria, Colombia, Germany, France, India, Kazakhstan, Poland, Slovakia, South Africa, Ukraine, United Kingdom, and the former Yugoslavia.⁴ Scandal – and threat of scandal – I argue, plays a prominent role in the development of arms export restraint and compliance with new “responsible” export controls.

² Restraint to recipients engaged in massive human rights violations or engaged in violent conflict.

³ This despite the fact that 42% of the Argentine public are reportedly opposed to giving the UN the power to regulate the international arms trade, and only 36% in favor (Chicago Council 2006).

⁴ With the permissive public attitude toward the arms trade and the extreme level of secrecy surrounding it, arms trade scandals were rare during the Cold War. Two high profile exceptions are the American Iran-Contra Affair and the Swedish Bofors Affair.

This chapter explores the effect of domestic political pressure on states' compliance with responsible arms export norms. In the previous chapter, I argued that states' concern for their international reputation is a key reason behind their adoption of new "responsible" arms trade *policies*. Reputation in domestic politics, in contrast, helps to explain the *practice* or compliance puzzle. I contend that while domestic politics exercises only a weak effect on states' policy choices, it is central to explaining the level of policy compliance they do exhibit. Rather than the prospect of enforcement or social sanctions by other states, it is the prospect of arms trade scandals and the cost to reputation – and with it, power and legitimacy – at home that induces governments to engage in (relatively) more careful export practices. Yet this dynamic, as I show later, operates only in the small subset of scandal-prone cases, where violations of rules and values are the most clear, leaving the policy-practice gap described in the statistical chapters slightly narrowed but persistent.

More specifically, I argue that decision-makers rarely perceive any tangible incentives, material or normative, to pursue responsible arms transfer policies for a domestic audience. The defense industry, as I demonstrated in Chapter 5, has been a reluctant late arrival to supporting new policies. Public interest more broadly, as I will argue below, is normally oblivious to arms exports, with one important exception. Public attention to the arms trade is piqued by scandal brought on by media attention to a violation of a state's fundamental values and identity through irresponsible arms exports. While such full-blown scandals are rare, an increased *threat* of scandal can cause governments to avoid exports to the most egregious human rights violators and prominent conflict zones. I show that as states expand the amount of arms trade information available to the public and where pro-control NGOs are active in domestic politics to publicize "irresponsible" practices, leaders fear scandal as more likely.

Using a detailed examination of the domestic politics of arms transfer decision-making in five case studies, I show how states' scandal sensitivity increases in tandem with the increase of transfer reporting and an active pro-control NGO community at home. NGOs use information provided by improved government transparency to spotlight "irresponsible" exports in domestic media and, in turn, harm governments' reputation at home. The cases demonstrate variation in transparency and NGO activity and reveal that the presence of *both* is necessary to improve public accountability among major democratic exporters. These findings, in turn, have implications for norm compliance and suggest that transparency measures, even if developed separately from new arms trade norms, can be harnessed to promote somewhat "better" (though so far not "good") arms transfer practices.

Public Opinion and Domestic Structure

At first glance, attributing states' arms trade policy choices to public opinion might seem far-fetched and justifiably so. On the one hand, the close relationship between governments and defense industries described in the previous chapter suggests that the preferences that count are not broad public preferences but specialized industry preferences. Industry has the political importance and the inside lobbying connections to make its voice heard. Moreover, public preferences might converge with industry preferences: If the public does care, it is to preserve national production capacity to safeguard both national security and its employment base.

On the other hand, the extremely statist nature of the arms transfer decision-making process suggests that external societal influence – whether industry, public opinion, or otherwise – would be hard pressed to make a substantive impact on state policy. Across the board, arms transfers must be approved for export by government agencies through complex processes often poorly understood by defense producers

themselves. Applications for licenses are handled through internal processes and not subject to advance public scrutiny.⁵ And certainly, as described in Chapter 5, initial defense industry preferences on the question of more restrictive arms transfer policies have typically been ignored, or even contravened.

Substantial research in the American context questions the public's interest in foreign policy. Although foreign affairs and an active internationalism "dominated public opinion polls" during the Cold War (Melanson 2000: 17; Moisy 1997; Wittkopf 1990), policymakers in the post-Cold War years have perceived a decline of public interest in foreign policy in favor of domestic issues (Baum 2002; Kull & Destler 1999; Melanson 2000; Small 1996).⁶ Even at the height of the Cold War, Capitanchik and Eichenberg (1983) show that only a few defense issues, such as nuclear policy,⁷ stimulated cross-national public attention. Voters are simply more interested in issues that affect their day-to-day lives and economic wellbeing. Apart from a small "attentive" segment of constituents, with the possible exception of international crises, the mass public is often described as detached from, uninterested in, and poorly informed about foreign policy decisions.⁸ Moreover, the public is less likely to focus on "complicated and more remote foreign policy issues," like arms transfers, and more likely to leave such affairs in the hands of the experts (Small 1996: 69).⁹

⁵ Only Sweden and the United States allow for advance legislative scrutiny of arms export deals. Even so, in the United States, Congress has never exercised its arms sales veto power, which was granted by the 1976 Arms Export Control Act on deals worth over \$50 million.

⁶ Kull and Destler (1999), however, find that the American public's turn inward in the 1990s is merely a misperception on the part of policymakers and the media. They argue that polling shows instead that "the US public has not turned its back on international engagement" (12), though it may perhaps want less of it. At the same time, Richard Sobel (2001) argues that public opinion has become increasingly important for American politicians and decision-makers since the Vietnam years (see also Holsti 2004).

⁷ Popular campaigns to oppose nuclear armament also experienced a revival during the late 1970s and early 1980s (Capitanchik 1982) but to little effect.

⁸ See, for example: Almond (1950 [1965]); Baum (2002); Dahl (1950 [1964]); Holsti (2004); Moisy (1997); Neuman, W. (1986); Risse-Kappen (1991); Rosenau (1961); Sobel (2001); Wittkopf (1990).

⁹ Small (1996) later states, "All democratic societies confront the problem of how to explain complicated foreign policy problems, which do not pose an immediate national security threat, to their

Yet recent literature on the “NGO-ization” of politics (Boli & Thomas 1999; Keck & Sikkink 1998; Petrova 2007) and the ICBL campaign suggest that, with the right strategies, security issues can be popularized (Petrova 2007; Price 1998; Rutherford 2000). NGOs sought to engage public interest in arms control by promoting a clear, simple campaign goal backed up by personal stories with humanitarian angles (O’Dwyer 2006; Petrova 2007; Price 1998; Rutherford 2000). The groundswell of public support, in turn, helped to pressure governments into accepting new norms of APL nonuse (Petrova 2007; Rutherford 2000).

However, pro-control NGOs have found similar tactics difficult to apply to conventional weapons more broadly. Guns and other military equipment are discriminate by nature: An individual must make the decision to pull the trigger or launch a rocket.¹⁰ They are also the basic tools of the police and military and are often legally own by private civilians, a point which rallies an influential NGO lobbying voice, the NRA, in the United States in opposition to pro-control policies. As a result, the message and issue both are more complex: To restrain arms transfers under specific conditions – not simply to ban them. A campaign to promote “responsible” arms transfers has difficulty resonating with the broader public with the same ease as landmines (Brem & Rutherford 2001; O’Dwyer 2006).¹¹

Interviews with all sides of the arms transfer debate confirm the first, more cynical view of public opinion.¹² Across all case studies, government officials, NGO organizers, and industry representatives believe – likely with good cause – that the

populations. Unless the message is simple and exaggerated, allegedly short-sighted citizens might reject the costs and sacrifices demanded of them to achieve some obscure long-term goal” (85).

¹⁰ As the frequently-cited NRA slogan goes: “Guns don’t kill people; people kill people.”

¹¹ An interview with an NGO representative and expert in Geneva indicated that NGO’s need for outside funding also contributes to this problem. NGOs work on as many issues related to SALW as possible to keep donors interested, but this makes arriving on a clear, coherent, and simple message for campaigning difficult (Interview 2206225).

¹² I interviewed relevant NGO, defense industry, and government representatives in each country of study, in addition to academic and policy experts on the arms trade.

public is simply uninterested and uninformed about arms transfers.¹³ Even in Germany, where the critical public eye toward the arms trade is long established, respondents indicate that the public does not have a general interest in or awareness of Germany's arms transfer policies or activities (Interviews 17207255, 46307255). One expert explained that, while the arms trade has a bad image in Germany, "it does not express itself strongly" (Interviews 19407255, 11407255). People are often unaware of arms production (Interviews 11407255, 45207255), and the media typically finds the issue "too complex" to report on with regularity (Interview 45207255).¹⁴ While peace is also a broad rallying point in Flanders (FPI 2007c), actual public attentiveness toward the arms trade in Belgium is minimal outside of specific scandal-inducing cases (Interview 26207211). Still, the Flemish public attitude toward the arms trade is more negative, unlike in Wallonia, where the public tends to see arms exports more positively (Interviews 20307211, 21407211-23407211, 29207211, 31307211).

These findings are even more pronounced in the other cases. With the exception of scandals, the UK public and media – despite a well-developed NGO culture – is uninterested in the arms trade, which simply "falls below [its] radar" (Interviews 37207200, 33207200, 36307200, 39307200, 43107200).¹⁵ In the United States, one NGO representative stated that the arms trade issue is "really a hard sell in general" (Interviews 48207002, 50207002). Public attention is "a blank; it's not there," added another (Interview 51207002). Of course, the US has not supported multilateral control initiatives, so the lack of public attention is not particularly

¹³ Indeed, in my own interactions with (non-expert) young and middle-aged adults in the countries where I did fieldwork, people often seemed surprised I was researching their country. "Do we export arms?" was a common question, despite the top exporter status held by each of the countries of study.

¹⁴ As I show later, it is typically through NGO press releases and prompting that the media pick up and publish news stories about governments' arms export decisions.

¹⁵ This is certainly not a new trend. Rose and Baker (1986) identify a widespread lack of knowledge by the public about British defense and security policy as a whole.

telling.¹⁶ In fact, polls find that a majority of Americans (57-60%) support international arms trade regulations (Chicago Council 2004, 2007, 2008).¹⁷ However, it is only among the NRA membership, opposed to such controls, that it becomes a hot issue, turning into another case of US exceptionalism (see Chapter 5 and below).

France, in contrast, has signed on to new standards without any clear domestic incentives to do so. Government, NGO, and industry representatives all report that the media and public remain uninterested in the issue (Interviews 59108220, 60108220, 63308220, 64208220). France also lacks a tradition of NGO engagement in politics, which might otherwise spur popular attention.¹⁸ Although NGOs began to organize around the arms trade in 1998 – a development described below – they have only recently acquired the expertise and professionalization necessary to influence policy-making. In fact, this has happened as a *result* of the ATT process at the UN, not the other way around (Interviews 59108220, 60108220).¹⁹ Thus, the combination of low public interest, a strong defense lobby, and the past absence of a well-organized NGO community to promote “responsible” export policies, makes French domestic politics an unlikely source of support for such policy initiatives.

Indeed, in *all* of the cases, interviewees admit that public opinion for the most part is not behind recent policy developments. The simple lack of public interest

¹⁶ The 1970s present an unusual interlude to this trend. Carter and Mondale responded to the apparent concern of the American public to an overabundance of destabilizing arms transfers in their 1976 campaign. By 1980, however, the concern had dissipated. The 1970s also saw a generally negative attitude toward arms transfers by an attentive European public, but without changes of European policy.

¹⁷ To put this number in perspective, this is also roughly the same percentage of US public opinion that supported the invasion of Iraq (59%) in the lead-up to the war from late January to early March 2003 (Jones 2003).

¹⁸ One NGO representative working on the arms trade commented that when he visits the local branches of the organization, people are surprised that the group works on arms (Interview 64208220).

¹⁹ When asked, the Chicago Council on Global Affairs found that in 2006, 77% of French people supported giving the UN the power to regulate the international arms trade (Chicago Council 2006). Government, industry, and NGO officials, however, seemed unaware of any such figures; one NGO representative admitted that no one was really sure where the public stood on the issue and that a study would be needed to find out (Interview 61208220).

prohibits it from being so. As a result, domestic structure²⁰ is also a less important factor to explain state decision-making. Scholars often point to domestic structure as the mediator between public preferences, the groups that represent and shape them, and government policy-making (Checkel 1999; Risse-Kappen 1991, 1995a). Yet where public preferences are ambiguous, weak, or absent, characterizing the structure through which they are meant to travel loses value. Thus liberal structures, like the UK, where government preferences are typically more constrained by society, are in some respects as little constrained as more statist structures, like France, where the state can dictate the direction of policy more freely.

Naturally, democracies are never fully immune from domestic constraints. While governments have faced little domestic pressure to adopt certain arms export policies, they have become increasingly sensitive to the effect policy implementation has on their domestic image. The public becomes aware of arms transfers – often thanks to governments’ own transparency measures picked up by watchdog NGOs and disseminated through domestic media – and can exert an influence on government practice after deeply “irresponsible” exports are revealed. Such “scandalous” behavior can create public attention where none previously existed. I argue that, knowing this, governments become more wary in their export decisions, anticipating negative public reactions more frequently as more information about exports becomes available and actors emerge capable of using information to damage government reputation.

Transparency and Scandal: The Threat of Adverse Public Reaction

As much as the public officials and civil society leaders interviewed agree that domestic publics lack the interest, coherence, and force to influence states’ arms

²⁰ By “domestic structure,” I mean “the nature of the political institutions (the ‘state’), basic features of the society, and the institutional and organizational arrangements linking state and society and channeling societal demands into the political system” (Risse-Kappen 1991: 484).

export policy choices, they also point without hesitation to one instance in which the public *does* care. The public unveiling of seemingly “irresponsible” or unscrupulous arms transfer deals sanctioned by the government against strongly held national values – increasingly articulated in regional and international agreements – can spark arms trade scandals.²¹ Scandals generate public attention. The consequences of scandal outbreak can include a loss of government image and legitimacy, electoral retribution, and resignations. Governments therefore seek to avoid approving export licenses that threaten to raise public ire, but are more sheltered from condemnation over specific export deals as long as their behavior flies under the public radar.

Until the 1990s, arms trade scandals were rare. Information about the arms trade was mostly hidden from public view, and civil society was largely unorganized to raise concerns. As a result, governments could typically transfer arms without fear of public backlash. The point is not that scandal and public backlash would be impossible – clearly, that was not the case (Iran-Contra) – but that the *threat* of such events was minimal. As transparency initiatives have increased the information available to the public,²² however, the arms trade has become much more susceptible to public criticism. When criticism is widespread, organized, and linked to clearly stated national values and international commitments, moreover, it can be damaging to the reputation and legitimacy of a sitting government. An active pro-control NGO

²¹ Scandals are caused by the public unveiling of “a departure or lapse from the normative standards that guide behavior in office,” whether or not unlawful (Williams 1998: 7). By nature, scandals play out in the national media. I identify arms trade scandals through coverage in national news media, the widespread labeling of “scandal” by media and NGOs, and my personal interviews. See Chapter 2 for a more in-depth overview of the concept, literature, and the effects of scandal on democratic politics.

²² I identify low-level transparency in cases where governments do not make publicly available their annual arms export reports. As I discuss in the next section, transparency in the non-US cases did not exist at all prior to the 1990s. While all of the governments under investigation have provided reports to the UN Register after 1992, publicly-available reports available have been longer to arrive. The point here, of course, is information available to the public and non-state actors. Although news of “irresponsible” exports can break without transparency measures in place due to investigative journalism or NGO fieldwork, such events are extremely rare. See Chapter 2 for a conceptual discussion of transparency, as well as Appendix B.12 for a discussion of measuring transparency.

community²³ can serve as a watchdog, display “irresponsible” export deals in the press, and frame certain exports as in opposition to human rights and other national values. Such groups have claimed a growing presence in domestic political discourse in recent years, thanks to the influence both from above as NGOs have found a place in UN policy-making, and from below, as prominent scandals have caused groups to organize around the issue. The combination of an active pro-control NGO community and arms trade transparency creates structural conditions in domestic politics making arms trade scandal more likely.

TABLE 6.1. Scandal Sensitivity in Domestic Politics

Pro-Control NGO Community		
Trade Transparency	High Activity	Low Activity
	<i>High Scandal Sensitivity</i> (Belgium-Flanders, Germany, UK)	<i>Low Scandal Sensitivity</i> (France, US)
	<i>Low Scandal Sensitivity</i> (Brazil, South Africa)	<i>Low Scandal Sensitivity</i> (Belgium-Wallonia, Israel)

Consequently, governments’ perception of the *threat* of scandal has increased greatly in recent years. Table 6.1 illustrates the relationship between arms trade transparency and the presence of an active pro-control NGO community in domestic

²³ Because the actual size, resources, and structure of national NGO communities varies by case, I mean “active pro-control NGO community” in the general sense only as the presence (or absence) of groups engaged in part or in full in sustained government lobbying and public educating and mobilization with the goal of regulating the national arms trade. They may be home-grown groups or national affiliates of international NGOs, like Amnesty International or Oxfam International.

politics. It shows that, among the different combinations of levels of arms trade transparency and NGO activity, it is *only* when there are high levels of both that arms trade scandal sensitivity also increases.²⁴ In other words, both are necessary but neither alone sufficient to cause governments to take a more cautious approach toward their arms export practices. Where arms trade scandals have already tarnished governments' domestic reputations, this dynamic can be particularly potent. Scandals can induce structural changes making future scandal more likely by prompting governments to improve transparency or NGOs to mobilize around arms trade issues.

Thus, I expect that governments with active pro-control NGO communities *and* high levels of trade transparency will begin to approach export practice with greater consideration for public perception and media attention. As a result, I argue that the public may have a limited but powerful effect on *practice*, even if governments typically adopt new policies for the benefit of an international audience. Moreover, it suggests that arms transfers to the most prominent and egregious human rights violators and conflict zones – those most likely to attract public backlash if revealed – will exhibit the most government compliance. Practice, in short, is more likely to follow policy only under specific conditions for a small segment of cases. Otherwise, public interest remains dormant and governments can pursue less “responsible” practices without fearing for their domestic reputations.

Traditions of Secrecy and Silence in the Arms Trade

Before the 1990s, the culture of secrecy in the arms trade was pervasive worldwide. Only the United States and Sweden made regular reports on their arms transfer statistics, and states feared losing customers if they made deals public. With

²⁴ By scandal sensitivity, I mean governments' perception of the threat or likelihood of scandal, which I assess primarily through interview evidence and reactions to past scandal in the case study sections.

the 1991 Gulf War, supplier states experienced first-hand the dangerous consequences of unchecked regional arms build-ups and instituted the annual UN Register of Conventional Arms members' arms exports and imports.²⁵ Some governments also passed additional arms trade transparency legislation at home, in response to resulting domestic scandals over selling arms to Iraq (Mariani & Urquhart 2000). Over the course of the decade, national transparency and annual reporting became expected of governments. While perhaps unevenly executed overall (Abramson 2008; Holtom 2008; Laurence et al. 2005; Lebovic 2006), it became increasingly widespread among democracies in particular.²⁶ As outlined in Chapter 2, this transition from norms of secrecy to transparency in the arms trade developed along side transparency norms in world affairs more broadly during the same period. Implementing arms trade transparency enhances the likelihood of scandal by providing information about government behavior, without which public accountability would be far more difficult.

Secrecy was long the rule for UK arms exports and government in general (Phythian 2000b; Ponting 1990; Tomkins 1998; Vincent 1998), making scandal outbreak more difficult but potentially more virulent. Information about the arms trade was "hard to come by" and thus "undebated" (Phythian 2000b: 80).²⁷ According to C. Ponting (1990), "Britain [had] one of the most extensive systems to control the flow of

²⁵ According to Mariani and Urquhart (2000), "[T]he UN Arms Register represented an outstanding breakthrough at it was the first time that governments had made such data public since the 1930s" (3).

²⁶ Transparency has also increased among the arms producers themselves, in response to pressures from company stakeholders, shareholders, NGOs, and governments. Reinilde Weidacher (2005) notes, "Over the past 5-10 years, major private arms producing companies worldwide have increased the amount of information provided to the general public, through press releases and regular financial reports, mostly published on their websites" (3). However, those companies that are not stock market listed – specifically, some small arms companies – are less transparent, because they do not have shareholders to demand information on their performance (4).

²⁷ The UK did not update its arms export legislation between 1939 and 2002 and did not maintain export licensing statistics even for its own internal usage before 1987 (House of Commons 4/26/1991). Moreover, there was, according to Philip Gummatt (1999), "a time-honoured lack of specificity about the details of individual defence export contracts, justified at least as much by reference to commercial as to state secrecy" (115, Miller 1996a: 1; Phythian 2000: 79; Willett 1996a: 14, 1996b: 80).

official information of any Western democracy,” based on elites’ view that “the whole process of government must be kept confidential” (1). This culture of secrecy, dating back to the late 1800s,²⁸ increasing lost public credibility during the 1980s. With the revealing of British exports of defense materials to Iraq, by 1992, it had become a concrete problem and emerged as a rallying cry for Labour’s successful bid for power in the 1997 general elections.²⁹ Annual reports to Parliament began in 2000, after the new British Labour government led the adoption of the 1998 EU Code of Conduct.

Like the UK, Belgium maintained a tradition of arms trade secrecy. While revelations about lax export controls to Iran and Iraq during the 1980s led the Belgian parliament to institute an annual arms export report in 1991 (Carlman 1998; FPI 2006), public information remained “extremely succinct and confidential” (Mampaey 2003). Reports did not specify recipients until after the EU Code of Conduct (Carlman 1998: 13). Since regionalizing arms export licensing competences in 2003, annual reporting has been carried out by the regional governments. Flanders has taken pride in providing even greater transparency, by offering more frequent and detailed information about its arms trade than the annual reports mandated by federal law (Interviews 21407211, 24107211, 53207211). In contrast, Walloon reports adhere to minimum transparency requirements and can be more difficult to obtain – points of frustration for Belgian experts and NGOs (Interviews 21407211, 2720721).³⁰

²⁸ The first secrecy laws were introduced in 1887 under Prime Minister Lord Salisbury. The Breach of Official Trust Bill passed in 1888 and was amended as the Official Secrets Act in 1889. Legislators put up little debate in response to several incidents of information leaks over the past decades (Ponting 1990: 5; See also Vincent 1998).

²⁹ In addition to Iraq, Susan Willett (1996b) lists a number of additional minor arms-related scandals: “Revelations included the use of British aid for the Pergau dam in Malaysia as a ‘sweetener’ to secure large defence contracts; the controversial sale of BAe’s Hawk 200 combat aircraft to the Indonesian regime, which have been used in bombing raids against defenceless civilians in East Timor; allegations that British companies supplied small arms and ammunition to Iran and the former Yugoslavia in breach of sanctions; and accusations of corruption and bribery concerning the Al Yamamah deal, the largest arms sale in the UK’s history, signed with Saudi Arabia” (76; Willett 1996a: 12).

³⁰ For more details on Flemish reporting practices since 2003, see FPI (2006). One expert interviewed stated that transparency measures had progressed in Flanders so that “the public knows more now than

Nevertheless, increased transparency in all regions makes it possible for NGOs to “react more quickly” and mobilize public opinion through the media on specific cases of problematic exports in a way that was impossible before (Interview 29207211).

Although both contributed regularly to the UN Register since its inception, neither France nor Germany issued annual public arms exports reports until prompted by the EU Code of Conduct. Both issued their first reports in 2000, covering transfers for 1998. Since World War II, the German arms trade has been a sensitive issue in German domestic politics. Previously, Germany had “a very limited reporting process” and provided only an aggregate total of its arms exports each year in accordance with the Weapons of War Control³¹ and the Foreign Trade and Payments³² Acts of 1961 (Carlman 1998: 14-15; Davis 2002: 157; Mariani & Urquhart 2000: 12).

In France, too, the state had “discourag[ed] a sustained flow of public information” (Kolodziej 1987: 280). Unlike Germany, however, France has not been shy about its aggressive transfer policies, which have gone largely uncriticized by the public and press, linked to a broad foreign policy consensus and a desire for an independent military policy³³ (Boyer 1996: 8; DePorte 1989: 3; Klein 1980: 146, 150; Kolodziej 1987: 286). There has not been much to challenge this consensus until recently. Although the government did not begin to issue national reports until 2000,³⁴

parliamentarians knew before” (Interview 21407211). In contrast, Walloon groups identify a primary goal to lobby the regional government for improved transparency and reporting, without which campaigning on specific cases or issues is impossible (Interview 27207211).

³¹ The *Gesetz über die Kontrolle von Kriegswaffen* (KWKG) regulates the export of “weapons of war” as defined by German law. See Davis (2002) for a summary of its provisions.

³² The *Aussenwirtschaftsgesetz* (AWG) regulates military-related technology and armaments, including dual-use technology. See again Davis (2002) for further details.

³³ “Restrictions, justified for *raisons d’état* – military and economic, shroud the interest of political leaders and functionaries within the arms bureaucracy and industry in maintaining a protective glaciis to protect their discretionary authority from public scrutiny or higher governmental control. Since the government and its agents control information flows, they have significant say about how their own behavior should be understood and evaluated” (Kolodziej 1987: 280).

³⁴ Starting in 1983, the French government kept information relating to arms sales classified and released only aggregate information on a post-export biannual basis to the Senate and National Assembly. These reports did not identify any specific countries (Carlman 1998: 14).

French media and civil society also did not attempt to fill the information gap on their own. Kolodziej (1987) attributes this in part to France's lack of a "well-established tradition of investigative reporting...and a well-developed network of independent security and arms control research centers which might be alternative sources for information and evaluation of policies" (281). Yet as such groups have emerged along with transparency measures in recent years, French officials have become more concerned about the public image of the French arms trade, as I show below.

Of the cases at hand, the US is the only country with a history of arms trade transparency predating the 1990s, making it "the most notable exception to the prevailing pattern of secrecy" in the arms trade (Lumpe 1999b; Kemp & Miller 1979; Schroeder 2005). In fact, transparency for trade in major conventional weapons was already a point of concern by the late 1970s, linked to public outcry against the perceived unchecked use of arms sales as a tool of foreign policy³⁵ (Kemp & Miller 1979; US Congress 1979). By the early 1990s, "the vast majority" of US major conventional weapons transfers were public (Goose & Smyth 1994: 96). In 1996, the US also began reporting disaggregated data about small arms export licenses and shipments (Lumpe 1999b). Indeed, for many, US arms export controls are a model of openness and rigor (Schroeder 2005: 29), which, as Stina Carlsson (2001) notes, has not appeared to suppress foreign demand for American weapons (24).

Thus, in addition to international transparency measures – the UN Register, Wassenaar Arrangement, EU Code of Conduct, and others – national measures have spread across democratic exporters since the late 1990s. Yet more information about national arms export activities does not automatically lead to more public

³⁵ Moose and Spiegel (1979: 228) attribute this to a number of factors in the mid-1970s, including "the end of the Vietnam war, the personal style of a Secretary of State [Kissinger], the oil price hike of 1973, and the recession." Ultimately, this concern translated into a desire for more restraint, promoted by Congressional oversight in the 1976 International Security Assistance and Arms Export Control Act (228-9). Increased government arms trade transparency was a necessary byproduct of these goals.

accountability. As I argue in Chapter 2, absent international mechanisms, governments' incentives for improved compliance hinge on their desire to avoid the reputational costs of arms trade scandals at home. While transparency makes scandal more possible, the presence of an NGO community willing and able to call governments to task on their "irresponsible" exports is also necessary. NGOs seek out national reports and comb through to highlight specific arms deals to draw attention from the media and public, which would otherwise be oblivious to new developments.

As I show in the cases, without active pro-control NGOs to spotlight government hypocrisy, scandal is possible but not feared. As a result, the *threat* of scandal is too low to drive governments to alter their behavior. The presence of NGOs without transparency also diminishes the threat of scandal. Transparency, as Keohane (1998) points out, allows groups to "undertake their key task of exposing the inconsistency" between government policy and practice (710). Together, transparency and pro-control NGOs increase the possibility of rhetorical entrapment and scandal. In some cases, a major scandal can also lead to legislative reform and the emergence of new NGO watchdogs. Past scandal can therefore serve to enhance a government's scandal sensitivity, as well. As I argue below, the key point is that the anticipation of NGO criticism and scandal spread by the media has pushed governments to scrutinize and better justify some of their arms export decisions over time.

United Kingdom: Scandal as Incentive for Leadership

In reaction to major scandal in the 1990s (see below), the scandal sensitivity of the United Kingdom increased dramatically, as the new Labour government instituted new arms trade transparency measures and export controls. While the scandal predated new standards of "responsible" arms export control and government transparency, both its unfolding and aftermath have had serious consequences for the British

government's approach to arms export practice. In particular, its commitment to an "ethical" arms transfer policy and new transparency measures have given existing NGOs a clear rallying point and caused greater government concern for its arms exporter image. Prompted by scandal, these changes place the contemporary British case firmly in the high transparency-active NGO community category.

Anatomy of a Scandal

The British "Arms to Iraq" Scandal in the 1990s helped usher in a "totally different world" of British arms export decision-making (Interview 32107200). In the late 1980s, many in the mainstream media did not consider the clandestine arms trade to Iraq an issue worth pressing (Negrine 1997: 30).³⁶ Yet by the time the Scott Report investigating the matter was published in 1996, the *Financial Times* had denounced the UK arms trade as "a culture corrupted by the absence of checks and balances against the power of the executive and by an obsession with secrecy" (Stephens 1996). It was the use of British weapons by the Iraqis against British troops in the Gulf War that raised public ire and party politics that kept it going. In doing so, however, it changed the terms of the British arms trade debate and public expectations for government practice. The scandal helped propel the Labour to victory in 1997, with election commitments to increase government transparency, reform arms export laws, and implement an "ethical" arms transfer policy. The result of these policy changes, I find, has left the British government more sensitive to the threat of arms trade scandal, even as it seeks to support exports abroad and defense industry employment at home.

The illegal sale of British arms to Iraq during the 1980s initially appeared to be the sole responsibility of private firms, including Matrix Churchill. Published British

³⁶ Apart from the occasional lauded multi-million pound deals, arms exports in general – even the legal ones – were considered a behind-the-scenes matter for government eyes only (Phythian 2000b: 79).

policy from 1985 clearly prohibited the transfer of any lethal equipment to Iraq (Cooper 1997: 152-3; Leyland 2007: 131). In 1990, the Minister of Trade claimed only, “[O]ur general policy has not changed and that our policy on the export of military equipment and arms to Iran and Iraq was clear and has been adhered to” (House of Commons 12/3/1990). Similarly, in 1991, the Minister of State for the Armed Forces “absolutely” denied the sale of arms to Iraq by British firms (House of Commons 7/1/1991; also 1/31/1991). The blame instead fell – at first – to three Matrix Churchill executives, who went on trial in 1992.

The trial collapsed, however, when former Minister of Trade Alan Clark disclosed during his testimony that the government had known all along of the sales (Pilkington 1998: 199; Tomkins 1998: 4).³⁷ Furthermore, he admitted counseling companies to “stress the civil applications of their equipment [in their license applications] even though they knew that it would be put to a military use” (Thompson 1997: 2). Prior to Clark’s admission, “government ministers had used public interest immunity to prevent the disclosure of information in court on grounds of national security” for fear of public opposition and to avoid the embarrassing admission of having misled Parliament (Leyland 2007: 131; Cooper 1997; O’Toole 1997; Scott Report 1996; Stephens 1996). Stated one MP, the trial “lifted the cloak of secrecy on the arms that went to Iraq” (House of Commons 11/9/1992). It appeared as though the government had both supplied arms to Iraq that were used against British troops in the 1991 war, and that it had made a “secret change of policy” on arms sales, which it kept from the parliament and the public (House of Commons 11/10/1992).

³⁷ Neil Cooper (1997) notes that despite its policy, “the list of products licensed for export [by Britain to Iraq] between 1987 and 1990 includes aircraft, air defence simulators, armoured vehicles and spares, artillery fire control, depleted uranium, explosive detonators, explosives, fast assault craft, jet engines and parts, laser rangefinder, mortar locating radar and an automatic vehicle location system” (153). Between 1985 and 1990, British defense exports to Iraq were estimated to add up to approximately \$222 million, excluding exports through third-party countries (153).

One day after Clark's testimony, Prime Minister John Major called for an independent investigation, run by Lord Justice Sir Richard Scott. According to Colin Pilkington (1998), it was "[t]he most severe test of government secrecy and ministerial accountability for many years" (198-9), illuminating in excruciating detail the hidden practices of British government (Norton-Taylor et al. 1996: 32; Thompson 1997: 2; Tomkins 1998: 1). The inquiry took three years, interviewed 276 witnesses including Major and Thatcher, and reviewed 200,000 pages of official documents.³⁸ The resulting report, released in February 1996, was 1800 pages and four volumes in length. The government gave itself eight days of advance access to prepare a defense, compared to the opposition's three hours. Its findings included that ministers had purposefully and repeatedly "misled parliament in breach of ministerial accountability;" prevented "crucial evidence about arms sales being revealed;" and "collectively conceal[ed] government policy from parliament" (Pilkington 1998: 201; See also Cooper 1997; Thompson 1997; Tomkins 1998).

The issue resonated strongly with the public and was followed closely by the news media. Why did the Scott Inquiry specifically resonate, when the arms trade issue did not? Two reasons, unrelated to the exports themselves, appear most prominently.³⁹ First, it simply made for "good entertainment" (Thompson 1997: 1; Tomkins 1998: 8, 15). As Matthew Baum (2002) argues, scandals and trials can be "easily framed as compelling human dramas" and attract the attention of soft news media and consumers not ordinarily interested in politics or foreign policy (91). The

³⁸ According to some reports, the inquiry reportedly took in a much wider scope in practice than the Tory government had assumed when it was established: "It has been assumed that Scott would limit his investigations to specific issues – Government policy towards exports to Iraq, the use of PII certificates in the Matrix Churchill trial, and the handling of other arms-to-Iraq prosecutions. But it soon became clear that he intended to tackle wider issues" (Norton-Taylor et al. 1996: 31).

³⁹ Arms trade critic MP Ann Clwyd, however, did make the connection: "Is it not the case that at the core of the report is the simple big lie – that Britain, a decent democracy, does not sell arms to tyrants? We did so and we still do so. The Government assists in that process and the big lie has now exploded in their face" (House of Commons 2/15/1996).

Scott Inquiry contained “the ingredients of a good popular drama, spies, criminal trials and internecine squabbling amongst ministers and officials” (Thompson 1997: 1). It was so salacious, in fact, that *Guardian* reporter Richard Norton-Taylor co-wrote a play based on the inquiry, which ran successfully in London (Thompson 1997; Tomkins 1998; For the play see Norton-Taylor & McGrath 1995).

Second, the “sleaze factor” came into its own with the Scott Inquiry (Lee 1999; Pythian 2000b: 319). Within a democratic government, for secrecy and hypocrisy to trounce accountability was itself scandalous. Multiple sex scandals and minor arms trade scandals had plagued the Tory government, and Iraq was the biggest and most recent.⁴⁰ What was most important and clear to the electorate was “the hypocrisy and hint of double standards” (Pilkington 1998: 184). Indeed, it was the issue of accountability on which most press reports focused.⁴¹ Opinion polls showed that 87 percent of the public “thought ministers had misled Parliament, and 54% had done so deliberately,” while more than 60 percent were in favor of ministerial resignations (The Scott Report 1996). It was simply behavior unbecoming of a good democracy, a sentiment echoed in parliamentary debates in the House of Commons and House of Lords (See debates on 2/15/1996; 2/19/1996; 2/26/1996).⁴²

The immediate political aftermath was minimal, however. Analysts argue that the length of the report, combined with Scott’s vague language, made it difficult to access and more subject to spin on both sides (Negrine 1997; Pilkington 1998). In addition, the government’s advance reading of the report and the little time allotted to the opposition, represented by arms trade expert MP Robin Cook, for viewing prior to

⁴⁰ For example, Margaret Thatcher’s son, Mark Thatcher, was accused in 1994 with improper conduct in securing the al Yamamah arms deal, to his own personal profit. For more on sleaze and the 1997 election, see Lee (1999); Vincent (1998); Worcester & Mortimore (1997)

⁴¹ See Aaronovitch 1996; Scott Report 1996; Stephens 1996, among many (indeed most) others.

⁴² David Vincent (1998) points out that this was also a theme early on in British privacy debates: “Britain recognized itself as a free country precisely by the absence of the multiple forms of public secrecy which characterized repressive regimes abroad” (5).

the parliamentary debate “enabled [the government] to survive the initial attacks of publication day” (Pilkington 1998: 201; Norton-Taylor et al. 1996). From the outset, it was able to manage the debate and ward off widespread damage (Pilkington 1998; Thompson 1997; Tomkins 1998). With the Tories’ one-vote survival, the Scott Report lost its public resonance shortly after its publication (Tomkins 1998: 13). At election time in 1997, however, the longer-term consequences began to appear. The public mood had begun to condemn “all government ministers as shift” (Pilkington 1998: 202; Vincent 1998: 322; Worcester & Mortimore 1999). Labour itself “made much use of the Scott Report” (Lawler 2000: 293), stressing themes of ethics and transparency in government and the arms trade as a part of its election strategy, while Major failed to manage his party’s image (Worcester & Mortimore 1999: 71).

Consequences for Arms Export Decision-Making

In the words of one government official, “the Arms to Iraq Scandal had a dramatic effect” on the New Labour government, even if the changes were not immediate or automatic (Interview 41107200). Not only has Labour “had to contend with the same pressure against sleaze, in the changed climate” post-Scott (Lee 1999: 301), but it has also provided a baseline of commitments against which its progress can be measured. “The nation expects legislation on Scott,” stated Ted Rowlands, Chairman of the House of Commons Select Committee on Foreign Affairs in 2000 (House of Commons 5/4/2000). Labour’s promised reforms – to engage in an ethical arms trade, to overhaul British arms export legislation, and to make transparent the processes of policy-making in the arms trade and otherwise⁴³ – provided civil society with both the standards by which to judge its progress and the means to do so.

⁴³ See Labour Party (1997); Blair (1997); Cook (1997a, 1997b), as well as Cooper (2000); Miller (1996b). Of course, coupling these commitments with others to support defense exports and employment made the task more difficult, despite perhaps assuaging *some* industry concerns.

Labour had, in essence, “paint[ed] itself into a corner” to take action when it came to power (Interview 37207200). Appointing Robin Cook – a long-time advocate of arms trade control – as Foreign Minister also signaled its serious commitment to the cause. Labour has since taken a highly visible leadership role on arms exports in multilateral fora⁴⁴ and opened up export decision-making to domestic scrutiny by NGOs. These policy changes have substantially increased Labour’s scandal sensitivity at home. NGOs, once shut out of the policy process have been invited in, including Amnesty International, IANSA, Oxfam, Saferworld, scholars, and others.⁴⁵ In addition, arms export transparency has gone from a limited practice at best to an “unprecedented” level of detail and frequency (Gummett 1999: 115).

For the Tories, NGOs were “a bit of an annoyance;” for New Labour they were “people who can help” (Interview 43107200). Labour began to work with NGOs, several years before the 1997 elections to improve the foreign policy agenda (Interview 35207200). NGOs were also able to provide some of the expertise needed to make criticisms of Conservative arms trade policy and practice during the Arms to Iraq affair (Interview 37207200). The consequences of “cozying up” to NGOs while in opposition, however, meant that post-election became “payback time for NGOs” (Interview 32107200). Groups continued to work with Labour, which opened up bureaucracies to their input (Interviews 32107200, 41107200, 42107200, 43107200).⁴⁶

⁴⁴ This was also a departure for British defense export policy, which earlier had not existed apart from “the longstanding objective of increasing the volume of sales conventional weapons” (Miller 1996b: 360). Export decisions prior to Labour’s legislative overhaul and promotion of multilateral standards were “made on an *ad hoc* and pragmatic assessments of changing, and often conflict, British interests” (360). Revisions to policy and legislation included standards to “halt exports which might be used for internal repression or external aggression” (Cook 1997a).

⁴⁵ While Campaign against the Arms Trade (CAAT) has advocated a ban on the arms trade for decades, it has taken a back seat as a result of the others’ willingness to compromise (regulate, not ban).

⁴⁶ This reflects a broader change in British politics at the close of the twentieth century, as well. While the Thatcher and Major governments engaged predominantly with organizations “in tune with” their own thinking, “with its sometimes almost suffocating inclusiveness, the Blair government was prepared to enter into a dialogue with a wide range of groups” (Grant 2000: 3-4).

This move was also seen as a matter of good public relations (Interview 37207200, 41107200, 43107200). One official stated, “We have a close relationship with NGOs” and want to “demonstrate that we want to listen to them” (Interview 40107200). Moreover, “it makes sense to take their opinions seriously” when their media access could mean potential embarrassment through reports and articles in the press (Interviews 40107200, 41107200, 43107200; Grant 2000: 127).⁴⁷

Also as a result of the Scott Inquiry and its findings, the Labour government began to lift “the veil of secrecy” hiding British arms export decision-making (Phythian 2000b: 81; Gummatt 1999: 115; Interview 32107200). “For the first time,” stated one official, “they said ‘we’ll show you how we do it’” (Interview 41107200). Publishing an annual report to Parliament has made the Labour government’s practices “subject to scrutiny” (Interviews 41107200, 32107200). The “sweeping categories” used in the past to fulfill UN reporting requirements effectively hid the substance of British practice from view and made criticism by Parliament or NGOs difficult (Gummatt 1999: 115; Tomkins 1998: 95). In contrast, details reported under Labour enabled Parliament, the media, NGOs, and the public all to see “the types of arms-related equipment provided by British companies to particular countries” and determine where the problems lay (Gummatt 1999: 115).

Upon presenting the first annual report to the parliamentary Select Committee on Foreign Affairs, Foreign Minister Robin Cook stated,

[T]his is the first time when a Minister of the Government has responded to an inquiry on the Arms Exports Annual Report. This reflects the innovation of the nature of the Annual Report and the fact that we do now provide more transparency than any European country, either east or west. I am proud of that. I would very much welcome any suggestions from the Committee as to how we may realistically improve the body of data, but we can all take satisfaction that

⁴⁷ See Control Arms (2004); ENAAT (1997); Isbister & Kirkham (2005); Oxfam (1998, 2002); Saferworld (2007) for a sample of NGO reports seeking to further improve arms export practices under Labour, which have also picked up following in the press.

Britain is now the most transparent of all the European countries in how we handle arms licences (11/3/1999).

He further stated that the reports should “enable Parliament, public, NGOs, to invigilate whether we are standing by [the new] criteria, making sure that we are not breaking those criteria” (11/3/1999). Parliamentarians and activists took him up on it. Questions on arms transfers to Indonesia, Pakistan, China, Zimbabwe, and other locations arose immediately (Lawler 2000),⁴⁸ as did pressure to increase transparency measures further. In its first report, moreover, the administration listed some “questionable shipments” to Sierra Leone, which took place during its first eight months in office (Lawler 2000: 292). Cook and the administration were tainted by the Arms to Africa affair (294), which taught early on that NGO involvement and transparency can also harm domestic reputation, depending on the information.

Party image and re-election are major concerns for politicians, and the British are no exception (Hodder-Williams 1970: 84-5). What changed was not these concerns, but the ease with which a party and politician’s reputations could be damaged with public information. Clearly, the government has also wanted to continue to promote arms exports, but with the growth of transparency and NGO activity, officials “seem genuinely worried” (Interview 35207200). Amnesty and Oxfam in particular “can mobilize significant constituencies,” and the government could easily “lose potential support from communities important” to it (Interview 35207200). NGOs have adapted their strategies accordingly: They try to get the media interested and asking questions to build public attention to certain cases (Interviews 32107200, 33207200). The arms trade “doesn’t become an issue until you get headlines,” and scandals “raise [its] profile” (Interviews 35207200, 37207200,

⁴⁸ See also House of Commons 11/3/1999, 5/4/2000, among others. The Defence, Foreign Affairs, International Development, and Trade and Industry Committees of the House of Commons also publish joint responses to the annual reports, critiquing practices and offering recommendations for future export reports and decisions.

38207200, 39307200). Simply stated, “Ministers care about what gets on the front page” (Interview 35207200), and the UK arms trade has become an issue in which this is acted upon both by critics of government practice and by the government itself.⁴⁹ With NGOs watching and waiting, the British government has become keenly aware of the public relations problems the revealing of “irresponsible” arms exports can create and claims a more restrictive approach to its arms trade practices as a result.

Germany: High Sensitivity and Active Civil Society

The German case highlights a long-time commitment to restrictive arms export practices that has only been called to account more reliably in recent years as German NGOs have gained access to public reports of the government’s arms export decisions. Since World War II, Germany has been extremely sensitive to arms trade scandals – and has certainly experienced public backlash in response to some of its export decisions. As transparency measures have grown to accompany an established active NGO community, the German government continues to be one of the most scandal sensitive governments of the cases under investigation.

The Historical Context

Germany’s arms transfers have been powerfully shaped – and complicated – by its World War II experience (Davis 2002; Pearson 1986; Wulf 1996).⁵⁰ The arms

⁴⁹ British leadership on the ATT process is rumored to be “reputation repair” for a different reason. Internally torn over the decision to participate in the 2003 Iraq invasion, analysts and officials speculate that Straw’s decision to endorse the treaty and expand its scope was “seen as something that would play well inside the Labour Party” (Interview 37207200). The decision came as a surprise to most and has been described as personal and political; the ATT was simply “the right issue at the right time” (Interview 35207200). See Chapter 5.

⁵⁰ As the government stated in parliamentary answer in 1993: “The uncontrolled proliferation of weapons, as well as industrial goods and knowledge with the weapons can be produced, leads to a grave danger to the peaceful co-existence of people. In this knowledge, and also on the basis of Germany’s historical experience, the Federal Government feels a special responsibility for a restrictive Arms Export Policy” (Federal Ministry for Economics 1993: 1).

industry was closely affiliated with Hitler and the Third Reich, becoming a symbol of German militarism from which post-war Germany sought to distance itself. Over the years, domestic opposition to arms transfers has continued to be strong (Brzoska 1989; Davis 2002; Pearson 1986).⁵¹ Successive governments have been highly sensitive to this political unease, responding in 1965 by prohibiting arms deliveries to “areas of tension” and abandoning all major military aid programs by the end of the 1960s (Davis 2002: 156; Cowen 1986).⁵² Officials have also avoided the use of arms transfers as a tool of foreign policy and declined to promote arms sales abroad, unlike most other major arms producers (Davis 2002: 162, 177; Pearson 1986: 530, 532). Consequently, German arms export legislation has been designed to “achieve the benefits [of arms transfers] without the stigma” and embarrassment of approving problematic export requests (Pearson 1986: 532, 533). Politically sensitive arms export requests, in particular, are handled with caution and adjudicated not by bureaucrats in BAFA⁵³ but instead handed up to an interagency commission.

Questions over the possibility of arms exports to Saudi Arabia and Chile arose during 1980 and initiated a public debate over the specific decision-making criteria. As Regina Cowen (1986) observes, “Governmental disengagement and the consequential divorce of arms exports from foreign policy [had] greatly encouraged the commercialization of arms transfers,” leading to serious concerns about a “credibility gap” between German arms export law and practice (269). Yet the debate was not about loosening restrictive German policies; indeed, there was wide consensus among the German public and political parties to maintain a restrictive stance. Rather, it focused on how to better define the existing political rules and organize the

⁵¹ The exception has been support for more liberal East-West trade as a part of German *Ostpolitik* (Davis 2002: 159). See also Mastanduno (1992a) on the intra-COCOM debates.

⁵² For more on the German military aid program during the 1960s, see Haftendorn (1971).

⁵³ *Bundesamt für Wirtschaft und Ausfuhrkontrolle* (Federal Office for Economics and Export Controls)

decision-making structure (269).⁵⁴ Following the adoption of the guidelines in 1982, the proposed exports to Saudi Arabia and Chile were denied as not meeting these criteria in full (270). Therefore, while the German public is, like many publics, typically focused on internal issues,⁵⁵ it has also demonstrated a continued discomfort with arms exports in the context of international peace and its own post-war identity.⁵⁶

This attention has both generated and been sustained by an active NGO community pushing arms export restraint, which “has been an important issue of morality and political culture for a wide variety of groups and institutions in Germany” (Davis 2002: 160; Brzoska 1989). Peace, labor, and church groups have all taken an active interest in the German arms trade.⁵⁷ In recent years, German small arms NGOs have gathered monthly with relevant government bureaucracies to discuss developments in small arms and other conventional arms control policy (Interview 14107255). NGO activity, combined with new transparency measures since the late 1990s, has made government decision-making both more public and even more cautious for fear of embarrassing itself and offending public opinion.

⁵⁴ The new guidelines, issued in April 1982, demonstrated continued restrictiveness and stated that arms could only be exported to NATO or NATO-equivalent allies. Exceptions for non-NATO countries could be made only if all of the four conditions applied: “One, if the Federal Government decides, after careful consideration, that vital foreign policy and security policy interests of the Federal Republic demand the delivery of weapons; two, if this decision was taken with due regard of alliance interests; three, if the internal situation of the recipient state [did] not provide additional reasons to deny the supply of weapons; and four, if the decision to export was taken after parliamentary recommendations had been considered” (Cowen 1986: 269). These guidelines held until new guidelines reflecting the 1998 EU Code of Conduct were adopted in January 2000. The new (and current) criteria include provisions to disqualify applicants that are located in an area of tension, engaged in an armed conflict, or show “reasonable grounds to suspect serious human rights violations.” To link to full text, go to: <http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/aussenwirtschaftsrecht,did=193598.html>.

⁵⁵ The domestic economy is typically the point of greatest concern for German citizens (Klein & Kuhlmann 2000: 214). In periods of economic trouble and high unemployment, it is worth noting that this can translate into a tolerance of a higher volume arms transfers (Brzoska 1989; Davis 2002). Even amidst these periods, however, governments have sought to avoid criticism by maintaining “the public image of a restrictive arms transfer policy” (Brzoska 1989: 171).

⁵⁶ Of course, this aspect of German identity can easily clash with its identity as an export-oriented economic powerhouse when it comes to the arms trade (Davis 2002).

⁵⁷ Most notably, Amnesty, Oxfam, German peace research institutes, religious groups coordinated through the GKKE, labor organizations, and the Berlin Information-center for Transatlantic Security.

Consequences for Arms Export Decision-Making

Germany is highly sensitive to public criticism of its arms exports (Wulf 1996: 40), with the press and civil society groups paying careful attention to its practices even before reporting began in the 1990s.⁵⁸ As Nassauer and Steinmetz (2005) observe, “Heated discussions regularly ensue on the political and moral acceptability of shipping tanks, rockets, submarines, or personnel carriers abroad” (1). To avoid the appearance of irresponsible arms transfers, the government has followed a number of strategies.⁵⁹ For example, it used co-production arrangements⁶⁰ to bypass more stringent German restrictions, to suppress arms export tallies, and to avert public condemnation for certain deals (Brzoska 1989: 170; Interview 11407255).⁶¹ In addition, arms export decision-makers have a “declared preference [for] sales to NATO countries,” which face lower restrictions in German law and are not controversial among the German public (Davis 2002: 157).

German NGOs – especially in recent years with developments in arms trade transparency – continue to criticize the government and keep a watchful eye on its export decisions. Officials have become keenly aware of the potential for scandal as they decide how to handle export requests (Interviews 14107255, 58107255). Yet

⁵⁸ Alternative sources of information included, for example, reports in the foreign press from other intelligence sources, data collection and publication from open sources by organizations like SIPRI, and efforts of individual groups in Germany to monitor port activity. This was especially the strategy of the BUKO Kampagne: Stoppt den Rüstungsexport (Campaign to Stop Arms Exports), which has become somewhat marginalized in recent years due to its desire to ban, not just regulate, the arms trade.

⁵⁹ Firms, too, make a point to remain “outwardly clean” (Phythian 1997a: 31) by exporting production and facility licenses, rather than full products.

⁶⁰ Germany’s co-production arrangement with France did not provide for a German veto right for those arms transferred from France (Brzoska 1989: 170). As one prominent example, the German government allowed anti-tank missile exports to Syria from France in the 1970s. Similarly, in the early 1990s, German officials justified the export of missiles to Taiwan based on their co-production arrangement with the United States (see Peel 1993).

⁶¹ Of course, the evolution of common standards of export control has been in part meant to keep companies and states from working around more restrictive policies in some states, like Germany. While Germany supports these policies, “leveling the playing field” makes it more difficult for it to use co-production arrangements to exploit more liberal export policies elsewhere as in the past.

governments have gotten into the most trouble over export decisions where the legalistic approach has insufficiently reflected national values.⁶² For example, although human rights was not included as a criterion for refusing arms transfers until 2000, already in 1993, the Kohl government came under fire for exporting used East German ships to Indonesia because of violations in East Timor (Peel 1993).⁶³ By 2003, however, Germany no longer permitted arms transfers to Indonesia, and weapons once supplied by German companies came instead from Turkey and Pakistan through licensed production (Kleine-Brockhoff & Kurniawati 2003).⁶⁴

Arms transfers to Turkey have been a particularly sensitive issue in domestic politics, pitting human rights values against alliance support.⁶⁵ Yet although German export law and practice privileges NATO allies, parliament embargoed Turkey in November 1991 in response to human rights violations against the Kurds (Davis 2002: 183-41; Kinzer 1992). The CDU government – apparently without the knowledge of

⁶² Chemical weapons and dual-use technologies present an interesting comparison, which Germany had treated more liberally in the past (Davis 2002). Here, the law was simply insufficiently defined, leading to scandal and reform in the early 1990s with the exposure of exports to Iraq and Libya in the 1980s. First, the Libyan Rabta Affair in 1989 resulted from revelations that a German company had supplied Ghaddafi with a chemical weapons plant (see Hofhansel 1994; Müller et al. 1994; Wulf 1996). Second, the German version of the Arms to Iraq scandal emerged with knowledge that Germany was “heavily involved in the supply of chemical weapons and infrastructure to Iraq” (Phythian 1997a: 29-30). The Kohl government – criticized but popular after reunification – responded with immediate legal reform to place stricter controls on dual-use technology (Davis 2002; Müller et al. 1994). In particular, note Müller et al. (1994), the scandals accelerated the process of reform by political authorities “[a]nxious to repair the tainted reputation of Germany” (4).

⁶³ Activist Andrea Kolling (1997) writes that the government had gotten around the “areas of tension” criterion by declaring in 1984 that there was no Indonesian war against East Timor (58).

⁶⁴ For example, MP5 machine guns are made in Germany by Heckler & Koch, exported under German law, or through licensed production abroad, transferred under export laws of the state where the weapons are produced. In response to Indonesia’s acquisition of MP5s from Turkey and Pakistan, a representative from Heckler & Koch stated, “With government export approval, Heckler & Koch delivered a total of 500 MP5s to Indonesian authorities between 1980 and 1991 and since then has made no more contracts or deliveries” and claimed no responsibility for the transfer of MP5s from licensed production facilities elsewhere (Kleine-Brockhoff & Kurniawati 2003).

⁶⁵ Both support for Turkey as a NATO ally and for the United States as a valued ally whose policy supported Ankara and labeled the Kurdish Workers’ Party a terrorist organization. The United States has continued to supply arms to Turkey in spite of allegations of human rights violations against the Kurds (Gabelnick et al. 1999) and has provided intelligence to the Turkish government to identify Kurdish enclaves (Kinzer 1992).

top officials – attempted to reconcile its problem by covertly supplying 15 tanks to the Turkish government. The strategy ultimately failed. In March 1992, Turkish forces attacked Kurdish areas with what witnesses reported to be German-made tanks. The *Panzeraffäre*⁶⁶ spread with Defense Minister Gerhard Stoltenberg admitting his officials had supplied the tanks without his knowledge. With state elections scheduled for early April, the SDP highlighted the scandal in its campaign, naming one rival CDU candidate and former Defense Ministry aide an arms trafficker (Kinzer 1992).⁶⁷

Fearful that damage to the image of the party and Kohl government would worsen, Stoltenberg dismissed senior aide Wolfgang Ruppelt in hopes of bringing the affair to an end (Fisher 1992; Kinzer 1992; Unter dem Druck 1992). This also failed. Calls for a sign of responsibility at the top grew, and Stoltenberg finally gave in to public pressure and resigned (Casdorff 1992; Fisher 1992; Kinzer 1992; Unter dem Druck 1992).⁶⁸ According to the *Süddeutsche Zeitung*, the major newspaper in the CDU stronghold of Bavaria, “The illegal tank delivery to Turkey has now conclusively ended the political career of the minister” – a man once considered a possible future Chancellor (Kritik 1992). Resignation was declared by Kohl and the press alike as Stoltenberg’s duty, whether he had known the illicit transfers had taken place or not (Casdorff 1992). In turn, the affair left the CDU acutely aware – by first-hand experience – of the high costs to be paid for politically unpopular arms transfers.

Arms exports to Turkey, despite its NATO status, have since been treated with an even greater degree of caution for fear of political backlash (Interview 45207255). The CDU government installed another embargo against Turkey in April 1994, just

⁶⁶ As referred to in the German press, the Tank Affair.

⁶⁷ In the Schleswig-Holstein election on 5 April 1992, this candidate – CDU leader Ottfried Hennig – failed to take the majority from the SDP. Yet both parties, concludes Diane May (1992), lost ground to right-wing extremist parties in the election.

⁶⁸ Stoltenberg had also been implicated in covert supplies of former East German arms to Israel – an area of tension in the Middle East – in December 1991, a factor that certainly increased public distaste for his continued role as head of the Defense Ministry (Fisher 1992; Kritik 1992).

prior to German elections in response to opposition campaigning (Davis 2002: 184; Sariibrahimoglu 1992: 11). Pressured by civil society groups, the CDU denied additional transfers in 1999 (Interviews 18207255, 19407255, 45207255). In 2003, the SPD government declined another tank order to prevent its coalition with the Greens from collapsing. Tank exports specifically have become much more difficult because of their direct use in Turkish human rights violations, despite the importance of the land armament vehicle sector to the German defense industry. Other defense goods, such as ships and submarines, pass through the export decision-making process with greater ease and less political concern (Mulholland 2003: 23).⁶⁹

NGO and media criticism threatening scandal of numerous arms transfers since the mid-1990s have stopped many sales from going forward. In fact, such joint criticism on specific export deals constitutes some of the high points for NGO-press cooperation (Interviews 11407255, 18207255). The public simply becomes more attentive when a deal explodes in the press and becomes a scandal with political liability (Interviews 14107255, 17207255, 19407255; 44307255, 45207255). However, it was difficult to cultivate sustained improvements in government practice in the 1990s while transparency was still lacking (Interview 11407255). According to one NGO representative, the onset of new transparency measures since 2000 has enabled a central mobilizing strategy targeting the government's policy-practice gap:

The biggest difficulty is being heard. With scandals, [public] interest picks up; you need examples to awaken interest. The easiest way to act is to look at the export report and use what's already public. We criticize in relation to political guidelines, the law the government sets out for itself, and its obligations (Interview 17207255).

High-profile conflicts and severe human rights abuses serve as red flags in government decision-making, as well as potential scandal material for watchdog

⁶⁹ One defense industry expert notes that the EU Code, passed in June 1998, and its provisions on human rights now makes the scrutiny of export applications to Turkey – despite its NATO status, which before had by law exempted it from such scrutiny – a matter of course (Interview 19407255).

organizations scrutinizing export reports. Industry analysts note, for example, that the German government would be unlikely to grant export licenses to China, even if the EU arms embargo were lifted, “as human rights issues there would raise too much opposition” (Mulholland 2005: 22). In 2002, after pressure from NGOs in the press, the government very publicly denied the export of Heckler & Koch⁷⁰ small arms to Nepal. Prior to the decision, Amnesty International and other organizations noted that Nepal was embroiled in internal conflict and that both conflict parties were engaged in massive human rights violations – approving the license would therefore be a clear violation of German export law and government policy (Deutsche Gewehre 2002). The government listened, and NGOs counted it a victory (Interview 17207255) – but not one easily repeated elsewhere, as will be clear in the Belgian case below.

This picture of concern for national and international norms is not unexpected for Germany with its civilian power based foreign policy.⁷¹ Clearly, however, government restraint in arms export behavior is not simply self-motivated, rooted in identity and a deeply embedded normative commitment. CDU and SPD governments alike have pursued arms transfers contrary to supposed national values, then pulled the plug due to public backlash. Here, too, the pressure of public accountability and the fear of the high political costs of scandal have motivated some improved compliance, especially in recent years as NGOs have been assisted by a growth in transparency. It suggests that, while public criticism on export deals may be more frequent, Germany’s policy-practice gap may be smaller as a result.

⁷⁰ A German defense representative interviewed in 2007 did not comment on the Nepal case. However, he did note that he felt that small arms firms faced increasing restrictions on arms exports and could not sufficiently combat their growing image problem in domestic politics stemming not only from history, but also from NGO accusations in the present (Interview 46307255).

⁷¹ There is a large literature on the topic of German civilian power. For a sample of recent overview pieces, see Harnisch and Maull (2001) and Hockenos (2007).

France: Low Sensitivity without NGOs

Only since 2006 has France taken a place in the high transparency-active NGO community category. French NGOs only began to organize around the arms trade issue in 1998, in response to revelations about French arms deals to Rwanda in the early 1990s but were unable to mount any sustained lobbying and mobilization efforts until after the 2006 Arms Trade Treaty process at the United Nations. French transparency, too, was poor until adopting new transparency measures in 2000 after the EU Code of Conduct passed in 1998. Scandal (or attempted scandal) was therefore not a catalyst for government reforms but was for the emergence of NGO activity. However, scandal remained an unlikely future event in the eyes of the government while new NGOs failed to engage on the issue and transparency was lacking.

Two Scandals that Weren't

In sharp contrast to Germany, France, until recently, has been able to pursue an aggressive arms transfer policy with little public criticism. In particular, the lack of a strongly developed NGO community to push the issue among the public and in the press, helped to maintain lower scandal sensitivity. On its own, the media typically maintains an apolitical stance and has not adopted a tradition of investigative journalism. Even in cases of would-be scandals, it has refrained from probing too deeply to gather or expose evidence. The secret sale of weapons to Iran in the 1980s was a minor scandal at most; transfers to Iraq during the same period were openly tolerated among policy-makers; and questions about sales to Rwanda during the 1994 genocide stopped short of uncovering findings damaging to the government.

No French government has experienced an arms trade scandal on the scale of the United Kingdom or Germany. This is not for lack of potential material, for which

France has often received criticism from outside its borders. France has an active arms trade with Francophone Africa, transferred large volumes of defense materials to Iran and Iraq during the 1980s, and has followed a liberal interpretation of the EU arms embargo to China. By highlighting the political dynamics of two examples would-be scandals that failed to capture public attention – Irangate and the Rwanda Affair – the French case clearly demonstrates the difficulty of inciting arms trade accountability in the absence of an active civil society.

For a few weeks in November 1987, it appeared as though France had become enmeshed in an “Irangate.” Reports surfaced that, against its own arms embargo, it sent \$120 million of arms to Iran from 1983 to 1986 (Gaetner 1987; Greenhouse 1987; Pontaut 1987). The sales, initially uncovered in the 1985 *l’Affaire Luchaire*,⁷² appeared at the time to have taken place without the Socialist government’s knowledge.⁷³ A secret Ministry of Defense follow-up to the incident suggested, however, that the deals had in fact had the tacit approval of top officials.⁷⁴ By some accounts, moreover, kickbacks of 3-5% had landed in the Socialist Party coffers. The news was leaked to pro-right magazines by then-Prime Minister Chirac, who was lagging badly behind President Mitterrand in the polls in the lead-up to the May 1988 presidential elections (Greenhouse 1987; Webster 1987a).

Despite the ingredients for a good scandal – seemingly corrupt high-ranking politicians, secret embargo-busting shipments to a country recently affiliated with terrorist attacks and hostage-holders, an official denial, and an upcoming election – the affair soon died down. Why did Irangate fail to resonate with the public and cause

⁷² Luchaire was the arms manufacturer responsible for the sales.

⁷³ Interestingly, in his book on the French arms trade published in the same year as these new revelations, Edward Kolodziej refused to rule out the possibility that France had secretly negotiated arms deals with Iran, despite its public rebuff of such overtures and its 1983 claim that France would reject any such requests (Kolodziej 1987: 352).

⁷⁴ See Gaetner (1987) and Pontaut (1987) for the *L’Express* and *Le Pont* articles that (re)broke the possible scandal.

political damage? The answer highlights both the lack of sustained public interest, and the lack of non-state actors capable of instigating sustained public interest. First, upon leaking it, the opposition backed down from the issue, which involved potential costs and only negligible benefits (Echikson 1987). The leak was seen by the press and public as a desperate measure (Webster 1987a), and it was unclear the degree to which Mitterrand himself could be touched by the accusations (Jacobson 1987b; *That Damned Elusive Mitterrand* 1987). Indeed, the Luchaire Affair itself had long been in the news without damaging Mitterrand and had gotten almost no media attention until the release of the government findings (*That Damned Elusive Mitterrand* 1987). Some later reports even suggested that sales had continued under Chirac's watch (Jacobson 1987b). Moreover, the corruption charges were hazy at best (Hoagland 1987) and a relatively non-provocative issue among French voters, who take a realistic view of campaign financing (*That Damned Elusive Mitterrand* 1987).

Second, the public and media were overwhelmed by a plethora of scandals amidst the pre-election "scandal wars" (Webster 1987b). This lessened the impact of Irangate and reinforced the cynicism with which French voters were beginning to view all politicians (Jacobson 1987a; Markham 1987a). Indeed, both Chirac and Mitterrand condemned Irangate scandalmongers as hurting the image and reputation of France (Echikson 1987; MacDonald, S. 1987). The public also did not appear shocked by the developments. Recall that French arms trade practices were not often questioned by the public and media – in this case, it had been at the Gaullists' intervention – and for many, defense policy was simply "sacred ground and out of bounds" (Webster 1987a). Moreover, in the absence of NGOs, the passivity of the media (and public) could not be countered by other non-governmental actors. According to Jean-Paul Gouteux (1998), this relative media silence has been pervasive and deliberate:

We are afraid of discovering that the reality contradicts what we think it is, that the values which form our pride or simply all of our system of life, are betrayed daily by the highest of our institutions. Every people needs its “forbidden city.” In France, the Élysée is this citadel. The French press forbids itself to talk about certain subjects; the law of silence surrounding a remarkable book [Lorentz 1997] denouncing the French Irangate is evidence of this (230).

Finally, the ministry report emerged in the middle of a recession, when economics issues trumped all others among the electorate (That Damned Elusive Mitterrand 1987) and confirmed the economic drive behind France’s arms transfers. The report clearly “establishe[d] that the Socialists’ decision to overlook these exports grew out of official concern that nearly 1,000 jobs would have been otherwise lost in the factories run by the Luchaire company” (Hoagland 1987; Markham 1987b). Luchaire was desperate to increase sales amidst industry downturn, and 1983 was exactly when “French arms exports, a mainstay of the national economy, began to sink dramatically” (Markham 1987a). Instead of seeing the deals as *violating* French values, they were seen as confirming them – medicine for an ailing industry important to employment and economic wellbeing (Webster 1988). French politicians are judged for their effectiveness, not their morality, and this was, for some, effective policy-making, by whomever was responsible within the government (Echikson 1987).

Post-Cold War, the possibility for critical media attention seemed to have emerged in the question of French arms transfers to Rwanda in 1994. Yet the absence of an active NGO culture⁷⁵ left sustained criticism and calls of foul play to sources outside France with minimal impact on its domestic politics. International NGOs produced evidence and argued vociferously against France’s irresponsible behavior in Rwanda, including sending arms after it knew of the genocide, and after the UN arms embargo was imposed in May (Austin 1995; HRW 1994). While the French media

⁷⁵ A lack of an active arms trade NGO community was pointed out by all interviewed. But its absence is considered symptomatic of an absence of an established French NGO lobbying culture more broadly. While foreign development and aid groups, like Medecins sans Frontieres are prominent, the proliferation of NGO activity in domestic politics on French foreign policy issues is more recent and a point of contention in French politics (Cohen 2004).

briefly reported the government's alleged "complicity in the genocide" (Callamard 1999: 157), both the media and government were largely unresponsive to pressures outside of France. And without an NGO network inside France to push the issue into full-blown scandal, what might have had devastating political consequences elsewhere ultimately died down with little significance in French politics.

France was a major supplier of arms to Rwanda after the start of the 1990 war and after the 1993 Arusha Accords (Alusala 2004; Austin 1995; Braeckman 1994; Callamard 1999; Dorn et al. 1999; HRW 1994; Melvern 2000, 2004). Arms flows and training are key parts of French military cooperation in Africa, and French military relations with Rwanda dated back to 1975. This was no secret – France treated Rwanda like its former African colonies – the key questions were whether France shared in responsibility for the genocide and whether it had violated the UN arms embargo. France acknowledged deliveries from 1990 until April 1994 at the start of the massacres, but made no admissions about transfers thereafter. NGO and media sources outside France,⁷⁶ however, claimed that shipments continued as the genocide was underway and even after the UN arms embargo.⁷⁷ The weapons were said to have "expanded the conflict" and "facilitated violations of international law...and increased human rights abuses" (Goose & Smyth 1994: 90). Although machetes were the weapons of choice, small arms were also instrumental in rounding people up for easier and more efficient mass killings (Goose & Smyth 1994: 90; Verwimp 2006).

It nevertheless took another four years to initiate an inquiry into the events. In early 1998, *Le Figaro* accused the government of supplying the missiles used to shoot

⁷⁶ The big media splash came from an August 1995 BBC report – "The Bloody Tricolour" – included testimony that France "had delivered munitions to the FAR when the genocide had already been underway two days" (McNulty 2000: 115). Belgian journalist Colette Braeckman found further evidence of a May 1994 arms deal (116). An HRW report (Austin 1995) claimed that French arms shipments after May 1994 were simply diverted through Zaire.

⁷⁷ The embargo was lifted in July 2008.

down Habyarimana's airplane and alleged that, as earlier foreign reports found, it had continued arms shipments into the summer of 1994 (Burns 1998; France Denies 1998).⁷⁸ The government claimed that all shipments were halted on April 8, more than a month before the embargo. Yet, in a rare turn of events, media criticism was heavy enough, and public sensitivity to genocide strong enough (La Balme 2000: 274), that it appointed its first-ever parliamentary commission, the Quilès Commission, to look into French overseas military activity. With global humanitarianism and the birthplace for human rights (McNulty 2000: 105; Tinsley 2004) central to French identity, complicity in the genocide seemed a fundamental violation of French national values.

The inquiry itself was groundbreaking. African policy "was traditionally an area shrouded in mystery and run from the president's office" (Melvern 2000: 233). However, the inquiry's report, released in late 1998, was not similarly novel. The report declined to make any conclusions related to French arms trade practices and absolved France of any responsibility for the killings, despite some errors in judgment (Whitney 1998).⁷⁹ The source of the weapons went unaddressed (McNulty 2000: 106, 119). Blame for the genocide itself instead fell to the international community, while France felt it was being discredited despite being the only country trying to stop it (Melvern 2000: 234). In the end, rather than being an exercise in transparency and accountability, "the French report repeated rumour, speculation and intrigue and to date the most basic facts have still to be established" (234).

Once again, French policy traditions and the dearth of organized civil society combined to prevent the escalation of the affair into a damaging political scandal with serious consequences for French leaders. First, the investigation itself did not offer

⁷⁸ See De Saint-Exupéry's (1998a, 1998b, 1998c, 1998d) four-part series in *Le Figaro* in January 1998, and Rousselin (1998). The reports accused France of complicity in the genocide and openly criticized the content and conduct of French Africa policy. See also *Le Figaro* 30 March to 3 April 1998.

⁷⁹ See *Mission d'information sur le Rwanda* (1998), <http://www.assemblee-nationale.fr/dossiers/rwanda/r1271.asp>

conclusions on the arms trade, which remained as shrouded in secrecy as ever before. With the “whitewashed” non-conclusions of the report, *l’Affaire du Rwanda* essentially dropped from French politics with no groups or new information to revive it.⁸⁰ Relevant NGOs were new and weak and had not been integrated into French policy discourse. The press remained reluctant to push the government too far and continued to shy away from investigative journalism. Amidst the 1997 ICBL campaign, public attitudes towards humanitarianism had become more pronounced, but even so, the Rwanda case itself resulted in no direct political repercussions for the government.

Second, France’s tradition of Africa policy gave considerable discretion to the executive and shielded it from domestic criticism (Kroslak 2007: 57). France treated Rwanda as if it had been a French colony and maintained close relations with the government (Callarmard 1999; Klinghoffer 1998; Melvern 2000). The support seemed natural: The Hutu had “had a social revolution, constituted the majority, and Habyarimana, like one of the leaders of the French revolution, would eventually emerge as the strong man of the democratization process” (Callamard 1999: 173).⁸¹ France also wanted to ensure that Rwanda, which borders Anglophone Africa, stayed within “the Francophone fold,” a key policy concern since 1990 (Klinghoffer 1998: 86, 87; Callamard 1999: 173; Kroslak 2007: 56). The institutionalized relations and dependence of *Francophonie* was perceived as a cornerstone of its continued global *grandeur* and advancement of global interests in the post-colonial era (Gregory 2000: 10; Kroslak 2007: 56). Thus as the Quilès report argued, while misjudgments may have been made, France’s overall policy did not diverge from accepted practices.⁸²

⁸⁰ As discussed in the next section, new NGOs formed in response to the affair (McNulty 2000: 106), notably Agir-Ici and l’Observatoire des transferts d’armements. Nevertheless, it took another decade for civil society groups to engage in mainstream politics on the arms trade issue.

⁸¹ Note later in the chapter similar public sentiments in the United States during the Iran-Contra Affair.

⁸² Rwanda exposed major flaws in France’s Africa policy and helped to instigate policy reform (Utley 2002). “[T]he failures of France’s Africa policy had been clearly exposed: France had supported and equipped a corrupt, undemocratic government, had sent troops to defend it from rebellion, and had

Consequences for Arms Export Decision-Making

Neither Irangate nor the Rwanda Affair had any direct consequences for French arms trade practices. They did not inspire legislative reforms, and unlike the UK and Belgium, France adopted transparency measures in response to international commitments, not domestic pressures. Moreover, while the Rwanda Affair did spark new civil society organization, NGOs remained weak until 2006, stopping French policy-makers short of developing a heightened sense of scandal sensitivity. The arms trade has traditionally been considered a national goal absent heated debates and questions of morality (Boyer 1996: 48), leaving media a passive actor without NGOs to rouse its attention. Although a new discourse of “responsibility” appears to have arrived in French politics as a result of events in the 1990s (Roussel 2002), it remains to be seen whether this will translate fully into the arms trade issue. Moreover, the nascent NGO community born of the Rwanda Affair has become more professionalized since the 2006 ATT process at the United Nations, opening up new avenues for accountability to regional and international norms and agreements.⁸³

Minor scandals since 2000, made possible by greater government openness, have so far lacked the teeth to encourage the reform of arms trade practices. In 2000, Mitterrand’s son and former chief Africa advisor, Jean-Christophe Mitterrand, was arrested for his alleged involvement in “Angolagate.” In a still-open case, he was said to have used his political clout to illegally traffic Russian-made weapons to Angola during the early to mid 1990s and pocketed the profits (Gee 2000; Henley 2001). The late president’s role, as usual, has remained unclear, though observers contend that it

established safe havens for Hutus – including perpetrators of genocide – to protect ‘friends’ of France from public scrutiny and accountability” (132). While the arms trade angle of the events remained untouched, it also spurred French activism to control illicit small arms flows in Africa (Interview 60108220; Utley 2002).

⁸³ Primarily Amnesty, Agir-Ici – Oxfam, Comité Catholique Contre la Faim et pour le Développement (CCFD), l’Observatoire des transferts d’armements, and Secours Catholique – Caritas France.

is another case among many of Franco-African corruption (Borque 2001; Warner 2007). Still, the case represented a transition to a somewhat more aggressive media and a new generation of policymakers and public with a different relationship to Africa and a lower toleration for corruption (Bell 2001; Interview 60108220).⁸⁴

Although, as one official claimed, “Don’t forgot: In a democracy, regardless of whether there are strong NGOs, everyone is afraid of what can be said” (Interview 59108220), changes have only begun to appear with the growth of a professionalized NGO community. French government officials now express a deep concern for the national image connected to France’s arms trade (Interview 59108220). While rare, officials increasingly fear arms trade scandals and the negative public attention they generate (Interview 59108220).⁸⁵ Export decision-makers are careful to keep detailed records, showing exactly what has been transferred and that it is within the law: “You have to leave things crystal clear for years down the road when they could be questioned” (Interview 59108220). Officials also take care to note what they see as the highly restrictive nature of French arms export law. They add that France has largely ceased to export small arms, which have become too politically risky, especially to Africa. These developments suggest a growing sense of responsibility for transparency and decision-making (Interview 59108220)⁸⁶ and of interest in more restrictive sales.

⁸⁴ More recently, allegations arose in the French press that Sarkozy had sweetened the return of Bulgarian medics from Libyan custody to Bulgaria by a \$405 million French arms deal (Clark & Castle 2007; Sarkozy Backs 2007). Sarkozy has reportedly supported a government inquiry into the issue, which has also been criticized for the alleged human rights violations and nuclear ambitions of Libya (Have Tent 2007; Sarkozy Backs 2007). France contends that the deal was unrelated to the medical workers’ release, and that it had been in the works for months (Have Tent 2007; Sarkozy Backs 2007). This is a fair response and suggests that it may not remain issue for long: *Jane’s Defence News Briefs* reports on 18 October 2006, “France’s leading military suppliers are poised to make a first major push to sell armaments to Libya in early December 2006 after receiving a green light from the French government to test Tripoli’s potential as an export market” (JDW mailing list email).

⁸⁵ Scandals’ rarity may make them even more costly. La Balme (2000) concludes “that the more media coverage an event receives, the more policymakers are likely to be attentive to the public (277).

⁸⁶ This is also the industry perspective (Interview 63308220).

This dynamic might be enhanced by the professionalization of the French arms trade NGO community since 2006. The government has begun engage with NGOs, noting that the French NGO culture has undergone a radical transformation in recent years (Interviews 59108220, 60108220). Indeed, the receptiveness of the government to parliamentary, public, and civil society input “is brand new, and not just an issue for weapons” (Interview 64208220). NGOs agree that relations with the government have improved drastically in the recent years and that they, too, are more competent in their arms trade advocacy (Interviews 61208220, 62208220, 64208220).⁸⁷ Nevertheless, NGOs are still finding their way in relatively new territory. Government reports are frequently released too late to make any substantive policy impacts (Interview 61208220). Moreover, arms trade advocacy has often been an issue tacked on to existing organizations, whose resources and main concerns are devoted elsewhere (Interviews 62208220, 64208220). It is perhaps too early to tell, therefore, how the emergence of NGOs will really affect French arms transfers in practice.

Certainly, even existing levels of government transparency have aided in civil society’s transformation – it gives NGOs information with which to criticize the government (Interview 61208220). Yet accountability still lags behind the other European cases analyzed here. NGOs are still transforming from reactive to proactive, and, although some deals from the past have been questioned in the public sphere, the government has yet to be critiqued on its own, contemporary decisions. With Rwanda’s August 2008 official accusations that France played an active role in its 1994 genocide (France 24 2008)⁸⁸ and claims that France had helped to arm Chad at the beginning of its February 2008 civil war (Interview 61208220), opportunities are

⁸⁷ In particular, spurring media interest, as well as both working with and credibly criticizing the government in the domestic public sphere.

⁸⁸ The issue has been brewing for years. Rwanda made official allegations in 2006 and 2007 and has been frustrated by the slow legal process in the lead up (France Accused 2006; Report Done 2007).

emerging for French arms control advocates to assert their political perspective. If they do, it could have far-reaching consequences for French arms trade practices.

The United States: Low Scandal Sensitivity

Despite a history of high arms trade transparency dating back to the 1970s and a large-scale, global arms trade in the Cold War and beyond, the United States has suffered little criticism of its arms transfer practices at home. Yet, as Susan Waltz (2007) observes, there is a distinct gap between its “principled policy” calling for restraint in arms transfers and its actions that “do not easily fit within the bounds of the policy that is publicly promoted and lauded” (3, 4). Yet this policy-practice gap has not led to a damaged government reputation at home, and the government has remained relatively impervious to scandal. The cause, I argue, has to do with the lack of an active pro-control NGO community in American politics, blocked from developing by the existence of a powerful pro-gun community.

Good Laws, Bad People?

The US has a record of steady arms exports – small arms especially – to human rights violators and conflict zones in the Middle East, Africa, the former Soviet Union, and Asia. The exposure of transfers to Indonesia, Sierra Leone, Nepal, Iraq, and others has had dire political consequences for governments elsewhere, but has slipped by with little commotion in the US press and public. Much like France, this is largely a due to the absence of an active pro-control NGO community, which reinforces – and is reinforced by – the lack of public interest in the issue. As a result, arms exports maintain a low profile and government scandal sensitivity remains minimal.

The one exception might appear to be the Iran-Contra Affair of the 1980s. The Affair started as two separate minor scandals about covert US arms transfers to Iran

and Nicaragua.⁸⁹ The first broke in October 1986, when Nicaraguan Sandinistas shot down a US cargo plane and used its surviving crew member, Eugene Hasenfus, to broadcast the existence of a US military resupply chain for the Nicaraguan Contras. Since the Boland Amendments were passed and signed into law in 1982 and 1984,⁹⁰ the Reagan administration had been legally prohibited from assisting the Contras through military aid. The administration initially denied that the plane was American or affiliated with the US government, but the press quickly linked the operation to Vice President Bush and the CIA. While Contra supporters argued that the activities were carried out by the National Security Council and therefore exempt from the Boland Amendments, most agreed that the military supplies were a clear violation of US law and a detriment to the image of the US government.⁹¹

The second – dubbed Iranamok or Irangate – broke a month later with reports in a Lebanese magazine, picked up by the US press, that the US was selling arms to Iran. Against the US arms embargo and Reagan’s own policy of not negotiating with terrorists, it appeared as though the White House had used backchannels to trade arms for hostages. The shock the public felt at “the revelation that the administration had been saying one thing publicly and doing the opposite clandestinely” dragged the news into the media spotlight and formed the heart of the scandal (Draper 1991:

⁸⁹ For a selection of detailed analyses, personal accounts, and press coverage of the Iran-Contra Affair, see: Cohen and Mitchell (1988); Draper (1991); Koh (1990); Kornbluh and Byrne (1993); Ledeen (1988); Trager (1988); Walsh (1997); Whiting (1987); Wroe (1991).

⁹⁰ The first Boland Amendment, passed in 1982 and attached to the Defense Appropriations Act for the 1983 fiscal year, prohibited the CIA and DOD from using any funds “for the purpose of overthrowing the Government of Nicaragua or provoking military exchange between Nicaragua and Honduras” (Draper 1991: 18). Boland II was signed by President Reagan in October 1984 and pointblank “prohibited any military or paramilitary support for the Nicaraguan contras for the period of October 3, 1984 to December 19, 1985” (23-24) and remained in effect into 1986. Iran-Contra independent investigator Lawrence Walsh (1997) notes, “Had the money actually gone into educational work in ‘support of democracy,’ those deductions might have been legitimate, but both the fund-raisers and the donors had known that a different game was being played” (82).

⁹¹ See US newspaper editorials from the incident reprinted in Trager (1988).

470).⁹² The President claimed that the sales had been intended primarily to normalize relations with Iran, not to release hostages (Walsh 1997: 10).

The administration's admission in late November 1986 that the two scandals were in fact intimately related immediately overshadowed both (Walsh 1997: 24; Cohen & Mitchell 1988).⁹³ The larger corruption scandal involved the diversion of funds from the Iranian arms sales to the Nicaraguan Contras and was less concerned with the arms transfers themselves. While the Affair had serious consequences for Reagan's domestic reputation, it did not lead to public backlash against US arms sales. In fact, it had little if any perceptible effect on US arms transfer policy or practice at all. Instead, Iran-Contra became preoccupied with questions of who knew about the diversion of funds – and whether, like Watergate, the corruption reached all the way up to the President (Draper 1991: 497; Wroe 1991: iv). Indeed, Iran-Contra was strongly shaped by the recent Watergate experience and its focus on what the president knew and when he knew it, in turn leaving the issue of arms sales on the sidelines (Busby 1999: 184; Kornbluh & Byrne 1993: 310; Trager 1988).⁹⁴

While Americans conceded that laws had been broken and policies ignored, many agreed with the anti-communist goals behind the arms sales.⁹⁵ Oliver North – the scapegoat and hero of the Affair – became a figurehead for these sentiments and won over the public with his appearance of patriotic virtue during the Congressional

⁹² See also US newspaper editorials in Trager (1988).

⁹³ In revealing the connection, this was the plan: It directed questions to focus on “North’s diversion scheme and [shy] away from the larger issues of administration policy toward Iran and the Contras,” which would also come under fire if revealed by sources outside the administration (Kornbluh & Byrne 1993: 310; Draper 1991). As Attorney General Meese testified in 1989, “I was concerned that the two major policy issues within the Administration at the time would be merged together and that this would – could complicate the ability of the President in both of the issues” and might constitute an impeachable offense if revealed by a source outside the administration (Draper 1991: 521).

⁹⁴ Reagan even consulted with former President Nixon about Watergate as Iran-Contra unfolded (Trager 1988: 36).

⁹⁵ For some, the spread of communism in Latin America remained a real security concern to the United States. On the question of aid to the contras, moreover, politicians’ perceptions of public opinion seemed to vacillate between support and opposition.

hearings (Walsh 1997; Wroe 1991). As one commentator stated, in his appeal to national values, “North achieved a kind of evanescent coup d’état in the American imagination” (Morrow 1987). In turn, he invoked reminders of “America’s own struggle in the War of Independence” (Wroe 1991: 67), blamed Congress for not supporting the Nicaraguan “freedom fighters,” and painted the illicit arms supplies to both parties a necessary and just policy (Walsh 1997; Wroe 1991).⁹⁶

In the end, Iran-Contra “was left as a scandal whose natural constitutional denouement – the fall of the man at the top – had never happened, and whose true nature would possibly never be known” (Wroe 1991: iv; Kornbluh & Byrne 1993: 327). Although it brought on commissions, hearings, and trials, its focus on Reagan’s culpability severely limited the consequences it could bring for US arms trade policy – or indeed for the national security apparatus in general (Koh 1990; Kornbluh & Byrne 1993). This was not a foregone conclusion: Reagan’s approval ratings crashed upon the revelation of his administration’s illicit activities (Thelen 1996: 16; Trager 1988), and many – including White House advisors and the media – thought it could topple his presidency (Walsh 1997: 30). At the time, Iran-Contra was seen as damaging to the President’s image and reputation at home and abroad, revealing his vulnerabilities, damaging his ability to lead, and possibly exposing him to impeachment.⁹⁷

But answers to “what did the President know and when?” were elusive (Wroe 1991: iv; Cohen & Mitchell 1988; Kornbluh & Byrne 1993). Extensive document shredding and questions about Reagan’s memory prevented a final resolution. Many doubted his ignorance: The issues were centerpieces of his policy agenda on which he

⁹⁶ It is certainly possible that this argument played well in the American public not only because of the American Revolution (like France), but also because of the more militaristic culture, increasingly cultivated in “middle America” by the NRA in the 1980s and onward (see Chapter 5).

⁹⁷ See for example: Barnes (1986, 1987); Busby (1999: 2-5); Cohen & Mitchell (1988); Draper (1991: 522); Kondrake (1987); Kornbluh & Byrne (1993); Thelen (1996: 28); Trager (1988); Walsh (1997: 30, 379); Wroe (1991: iv).

received daily briefings, and “the diversion was no fringe detail” to keeping them alive (Walsh 1997: 24; Kornbluh & Byrne 1993). However, as Koh (1990) states, “The Iran-contra committees’ inability to find a smoking gun damning the president effectively mooted the impeachment question, leading several members to act as if their inquiry were exhausted” (19). The public, too, seemed to want the issue to drop without bringing down the President (Busby 1999; Cohen & Mitchell 1988; Walsh 1997). In the long run, Reagan remained personally popular, and no one wanted to deal with the aftermath of another Watergate (Busby 1999: 180).

Rather, Iran-Contra was deemed “an aberration,” blamed on “bad people, not bad laws” (Starke 1987; Koh 1990).⁹⁸ Admiral Poindexter, deputy national security advisor, and his aide, Oliver North, were fired and prosecuted,⁹⁹ but reform was not forthcoming (Kornbluh & Byrne 1993: 327; Koh 1990). Arms exports were not even part of the discussion, which laid the blame with presidential management style and “overzealous patriotism” (Starke 1987: 34). The consequences of this “misleadingly narrow” debate, however, have gone beyond a lack of policy reform (34). Unlike other cases, scandal did not ignite fear of public reaction to other “deceitful” arms transfers in the Reagan or Bush administrations.¹⁰⁰ Iran-Contra demonstrates that scandal does not make governments’ sensitivity to future scandal inevitable. Scandal heightens scandal sensitivity when its effects are institutionalized through policy reforms and the

⁹⁸ Naturally, North’s attorneys took the opposite perspective and argued that the fault lay in the laws, not in the people.

⁹⁹ And eventually pardoned by President Bush in 1992.

¹⁰⁰ Note the on-going covert arms transfers to Iraq during this time, also against US law and policy. However, public and media reaction was mixed – it is a matter of debate “just how much of a scandal Iraqgate was” – but the lack of any newfound accountability following Iran-Contra was clear (Jentleson 1994: 9). As Kornbluh & Byrne (1993) note, “the costs of failing to implement stringent safeguards on the executive branch to ensure accountability on national security policy became increasingly evident” when reports of arms sales to Iraq emerged in the early 1990s as Iran-Contra was concluding (328). For more on US arms exports to Iraq during the 1980s, which deal primarily with dual-use technologies for biological and chemical warfare, see: Battle (2003); Friedman (1993); Jentleson (1994); Keller (1995); Mantius (1995); Phythian (1997a).

emergence of watchdog NGOs. The pairing of transparency and organized civil society is at the core of enhancing the domestic threat of scandal. Lacking an active pro-control NGO community, US presidential administrations have been able to proceed largely without caution when it comes to their arms transfer practices.

Another Case of US Exceptionalism

The US case makes clear the need to distinguish between pro-control and pro-gun NGOs. The United States does, in fact, have a well resourced, high profile NGO community involved in the arms issue. However, these groups – the NRA in particular – focus on preserving individuals’ legal right to own and carry arms and have been strongly opposed to international arms export standards (see Chapter 5).¹⁰¹ As I noted above, the NRA, which has long been “by far the largest and most influential of groups opposing gun-control legislation” (Finch 1983: 26), represents the “active” contingent of the US public on this issue. Its focus on civilian ownership rights and the Second Amendment makes it largely uninterested in the implementation of US arms transfer policy. As such, its work on the arms trade has focused on US foreign policy and staving off more restrictive international standards that might undermine the Second Amendment, not raising public ire about less restrictive US export practices.¹⁰²

It is not unusual for a country to lack an active arms trade NGO community (see Table 6.1). What makes the US case exceptional in this regard is the presence of a

¹⁰¹ There is much debate over the interpretation of the Second Amendment, which reads “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.” Whether this guarantees an *individual’s* right to bear arms, separate from an organized militia has been a major point of contention (see, for example, Uviller & Merkel 2002), but the Supreme Court ruled 5-4 in *District of Columbia v. Heller* in 2008 that the amendment does, in fact, protect an individual right, unconnected with militia service. The dissenting justices, however, argued that the amendment does not guarantee this right based on self-defense alone. See <http://www.law.cornell.edu/supct/html/07-290.ZS.html> for the ruling and dissenting statements.

¹⁰² To the extent that some NRA leaders are interested, they argue that governments should supply *more* arms to areas of conflict and genocide. See LaPierre (2006).

pro-gun NGO community that has overwhelmed smaller pro-control groups¹⁰³ from mobilizing domestic public opinion to promote export restraint. In contrast, European gun organizations consider themselves observers of and not participants in the political process. Involving the US public is a “complex, hard sell” and comes up against the more powerful NRA (Interview 48207002). The prominence and influence of the NRA creates barriers to pro-control NGOs seeking to draw public attention to their cause. While pro-control groups have lobbied Congress and the administration on some laws and export cases (Interviews 48207002, 50207002, 51207002), they have insufficient means or will to generate the public interest needed to press for export accountability (Interview 50207002). As one pro-control NGO representative asks, “It is a humongous problem, how do you expect to put a dent in it?” (Interview 48207002). Facing great opposition from the Bush administration especially, groups feel that the hurdles have simply been too high (Interviews 48207002, 51207002). The arms trade is seen as an issue that is “not going to have a lot of successes” (Interview 51207002) and is lower on NGOs’ agendas as a result (Interview 50207002).

The United States has therefore not been constrained by high transparency. The Iran-Contra Affair has not been followed up by any comparable arms trade scandals, and government decision-makers have not had cause to implement more “responsible” practices. Absent a pro-control NGO community able to mobilize media interest and public accountability, the threat of damage to an administration for “irresponsible” arms exports is minimal. In the long-term, the consequences of low NGO involvement are, perhaps, even further reaching. NGO campaigns can help shift public values and public interest over time. This, in turn, could push Congress – which

¹⁰³ There is a large NGO community focused on domestic gun control and gun violence, but their reach does not extend to domestic export policy. Those interested in the arms trade, among other issues, include Amnesty, the Federation of American Scientists (FAS), HRW, the Quakers, and a few Washington think tanks, such as the Center for Defense Information (CDI). A working group of NGOs associated with the FAS’s Arms Sales Monitoring Project has been defunct in practice for several years.

at present “has not found political will to impose meaningful constraints on the executive” (Waltz 2007: 13) – to enact its oversight role. With an Obama administration less tied to the pro-gun NGO community¹⁰⁴ and more favorable to multilateral work through the United Nations, it will be interesting to see if pro-control groups take a more active role, or if the hurdles set by the NRA and the disinterest of the American public are simply too high to overcome.

Belgium: Two Regions, Two Traditions

Until 2003, Belgian arms export policy and practice were united under the federal government, where NGOs actively critiqued what news of “irresponsible” arms transfers managed to become public. However, early reporting, initiated amidst emerging scandal in 1991, did not name individual recipients, making it difficult for NGOs to raise specific concerns. Transparency and export controls grew after the EU Code of Conduct, activating public criticism of certain export deals. With the regionalization of implementation in 2003, Belgian scandal sensitivity is now divided across the two major regions. While both regions have active NGO communities, only Flanders has maintained a level of transparency with which NGOs can wield information to spotlight government hypocrisy. As a result, scandal sensitivity is high. In contrast, the low transparency of the Walloon government leads to low scandal sensitivity and the perception that government practice is less restricted.

Regional Divides

Like many of its allies, Belgium was implicated in an arms-to-Iraq scandal in the early 1990s, in which it was an illicit supplier of ammunition to Iraq and Iran

¹⁰⁴ Of course, this is not to say that Democrats are not sensitive to NRA concerns. Recent news reports note that “pro-gun Democrats” form a “powerful force in Congress” unwilling to “[mess] with Americans’ right to bear arms” (AP 2009).

during the 1980s (Phythian 1997a: 15). The 1990 murder of Canadian-born weapons engineer Gerald Bull in Brussels – his base for Project Babylon¹⁰⁵ – brought Belgium firmly into the arms to Iraq intrigue.¹⁰⁶ In the process of investigating propellant manufacturer Poudrières réunies de Belgique (PRB)’s role in illegal sales to Iraq, former deputy prime minister André Cools uncovered connections between PRB, the Iraqi supergun project, and Gerald Bull.¹⁰⁷ Cools himself was murdered in 1991, soon after receiving documents implicating Belgian civil servants in the affair. According to reports, civil servants had been bribed “to secure the use of Belgian air force freighters to ship cargoes of ‘supergun’ propellant to Iraq” and allowed defense goods destined for Iraq to pass through customs without proper authorization (Foster et al. 1991).¹⁰⁸

Unlike the British affair, top officials in Belgium appeared untouched. Still, arms export reform – which had been simmering since accusations of lax controls in the late 1980s – was quick to follow Cools’s murder, preventing a scandal from developing further.¹⁰⁹ In August 1991, parliament passed legislation to institute some national reporting and stricter controls based on conflict and human rights.¹¹⁰ The law

¹⁰⁵ Iraq’s “supergun” project, for which the UK was also illicitly supplying defense goods and which Dr. Bull’s company, Space Research Corporation, was working to develop. For more, see Lowther (1991), Naylor (1999), and Toolis (1990), as well as findings in the UK Arms to Iraq investigation.

¹⁰⁶ Investigations suggest that the murder was preceded by threats, presumably because “he had strayed from Babylon” in seeking to diversify his company (Foster et al. 1991). Bull’s family believed it was the Israeli intelligence agency, set to eliminate military threats from Iraq (Naylor 1999; Toolis 1990).

¹⁰⁷ Bull would send US and Canadian-made shell casings to PRB in Belgium, as Canadian law at the time did not require end-user certificates for “inert” shells to European countries. With Belgian law at the time considerably less restrictive than Canadian or American law, “PRB in turn could arm the shells and sell them to anywhere that Belgian law would allow” (Lowther 1991: 107).

¹⁰⁸ It is unclear why bribes were necessary: “End-user certificates for the consignments stated they were for Jordan, and the Belgian air force legitimately carries hazardous cargoes for private sector companies” (Foster et al. 1991).

¹⁰⁹ At the time, it appeared as though Cools was “yet a further casualty of the supergun.” However, investigations concluded in 1995 that, “The personal secretary to the senior minister of the Wallonian regional government had been using his office as a cover for a gang stealing securities, credit cards and paintings.” Cools pushed for an investigation. The official responded by hiring a Mafia assassin “to curb his ardour for clean government” (Naylor 1999: 308-9, 311).

¹¹⁰ Past policy – but not law – had restricted arms transfers to recipients engaged in conflict or internal repression (Belgium 1987). Not surprisingly, it was poorly enforced. The cessation of arms exports to its former colony, Rwanda, during its 1990 war, however, is a notable exception (Davis 2002: 98).

also gave final decision-making power to an interministerial committee (in practice the minister of the license-requesting company's region) to allow decisions to reflect the economic and normative concerns of the exporting region. The reform was a distinct change for Belgium, which had been "notorious as [a world centre for the arms trade] since the Middle Ages" (Lowther 1991: 5) and where international arms trafficking from ports and airports had flourished (Adam 1989; Belgium 1987; Vranckx 2005).¹¹¹

Arms export decision-making became a contentious topic within the government almost immediately, with splits in the coalition over transfers to Saudi Arabia causing parliament to dissolve in late 1991 (Belgian Government 1991; Belgian Parliament 1991; FPI 2007b).¹¹² Yet although the 1991 law introduced national reports, public transparency remained low, with the first report released in 1994 and limited to value by geographic zones, not individual recipients (Mampaey 2003).¹¹³ While it did provide Belgian think tanks, peace groups, and other organizations – active on the arms trade since the 1970s and 1980s – with some new information, debates were still mostly inter-governmental. In particular, Flemish peace parties, which are opposed to arms exports as a rule, made decision-making contentious and at times exposed to the public eye, especially as related to non-NATO transfers to the Middle East and developing world.

Such controversies spread over the years, as transparency increased and NGOs (Flemish NGOs especially) became increasingly involved in raising questions of

¹¹¹ Lowther goes on to add: "[Belgium] had a tradition for making, selling, and exporting munitions with the same enthusiasm that Detroit made, sold and exported cars. When it came to clientele, there were few restrictions that couldn't be overcome. Politely put, the Belgian government was generous with 'end user' certificates. Belgium exported more than 90 per cent of its total arms production. Belgian rifles were the first to reach Cuba after Castro came to power, and Belgian weapons from revolvers to rockets had been on both sides of most regional and civil wars since the 1960s" (1991: 5).

¹¹² Reports indicated that the Flemish Volksunie party refused to authorize Belgian arms sales to Saudi Arabia (Belgian Government 1991), which caused a split between Flemish- and French-speaking ministers in the coalition and dissolved parliament (Belgian Parliament 1991).

¹¹³ Recall from above that it was not until after the 1998 EU Code of Conduct that Belgian national reports began to specify individual recipients.

public accountability.¹¹⁴ The issue exploded in 2002 with the federal authorization for Walloon producer FN Herstal to export machine guns to Nepal despite strong public opposition (Weidacher 2005: 33; Vranckx 2005: 39). Nepal, which was embroiled in civil war, had already been denied Heckler & Koch weapons by Germany a few months prior. As a result, the Belgian approval not only seemed to circumvent Belgian law,¹¹⁵ but also introduced complex issues under the EU Code of Conduct about knowingly approving a deal previously denied by another EU member (FPI 2007b; Vranckx 2005: 39).¹¹⁶ The government made its initial decision by consensus behind closed doors in July 2002 (Interview 52207211) and justified the approval by declaring that the situation in Nepal had changed (FPI 2007b: 10).¹¹⁷

Nevertheless, once public a month later, the deal prompted the resignation of one minister in the ruling party coalition,¹¹⁸ reviving regional tensions and exposing it to an outpouring of Flemish criticism. Flemish leaders cried foul and called for the suspension of the licenses (Belgian Chamber 2002). The result was the near-collapse of the government, which saved itself only by agreeing to incorporate the EU Code of Conduct into federal export law (Vranckx 2005: 39). Yet the increasingly evident sharp division across regions over public expectations for arms export accountability remained unresolved, and the Nepal licenses continued to attract governmental and

¹¹⁴ Prominent and active NGOs include Amnesty Flanders and Wallonia, IPIS, Network Vlaanderen, Oxfam-Solidarity Belgium, and research groups like GRIP and FPI.

¹¹⁵ Françoise Donnay (2002) discusses the legality of the decision. She concludes that a *strict* application of the law would have resulted in the refusal of the sale and that a revision of the law was clearly necessary as a result (34).

¹¹⁶ The Code, which is politically binding, requires members to share denial information in order to avoid this precise problem of members undercutting one another. It states, "Before any Member State grants a license which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a license, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning."

¹¹⁷ Belgian foreign minister Louis Michel added, "The decision is eminently ethical. There is a young democratic system over there, fragile, certainly imperfect but democratic" (Dombey 2002).

¹¹⁸ Health Minister Magda Aelvoet, from the Flemish Green Party, who stated that the decision to grant the license went against her convictions and ethic of responsibility.

non-governmental criticism from the Flemish side. The longer-term resolution in 2003 left federal arms export laws in place but transferred their execution to the regional governments, just before the Nepal license required a renewal.¹¹⁹

One Flemish party leader, Hugo Coveliers, in the Senate debate summed up the source of the consensus for the decision: “Now this is real conflict resolution. With this law we will avoid a great deal of tension in our federal state” (Otte 2003). It freed Flemish politicians from embarrassment and public backlash against “irresponsible” Walloon licenses, and Walloon politicians from Flemish reluctance to approve Walloon export deals (Interviews 21407211, 24107211, 57207211).¹²⁰ Ultimately, the decision was “mainly a question of accountability to [the] public,” because the values of the electorate to which decision-makers are accountable belong to the individual regions, not Belgium as a whole (Interviews 20307211, 21407211). And while the regions are subject to the same laws and both have active NGO communities, their values differ significantly. With transparency less forthcoming in Wallonia and public interest harder to ignite, scandal sensitivity there is lower than in Flanders as a result.

The “Regionalization of Conscience”¹²¹

The transfer of arms export control competence has allowed decision-makers to adjudicate export requests by the political and ethical considerations most relevant

¹¹⁹ The revised export law included both the regionalization of export controls, as well as the previously agreed-upon decision to incorporate the EU Code of Conduct into Belgian law. It also includes a provision to negatively evaluate a recipient’s involvement in the arms trade or the presence of child soldiers (Vranckx 2005: 16). For more on the details of the law, see Crutzen (2003). FPI (2007b) provides additional information on the Flemish adoption of the federal legal framework.

¹²⁰ Both sides appeared satisfied with the resolution. Flemish commentator Jorn De Cock (2003) noted in *De Standaard* that “Flemish politicians will soon need to have no more twinges of conscience over controversial arms supplies by FN Herstal” and can focus on an “ethically inspired foreign policy.” Flemish Deputy Pieter De Crem, in turn, predicted that French-language export requests would subsequently be treated in a “purely commercial manner” (Mooijman 2003). The French-speakers, in turn, felt that regionalization would allow them to export weapons “as they see fit” (Otte 2003).

¹²¹ In reference to the 2003 regionalization of export controls. See Otte and Verschelden (2006).

to their regional publics. The decision highlights at once fundamental divisions within Belgium and the need for both NGOs and transparency in promoting compliance with export policy. In the past, Flanders had mainly criticized Walloon practice, painted as “the good Flemish pacifist[s] versus the cynical Walloon merchant[s] of death” (Mampaey 2002: 13).¹²² Ministers had focused on making and taking criticism from across regions. The fact that most Flemish defense exports are dual-use technologies and not clearly identifiable as weapons also helped Flemish politicians avoid the public perception of “irresponsible” arms exports. This is not the case in reality, but because Flanders was more about technology, it seemed “innocent” and “cleaner, even if it [wasn’t]” (Interviews 29207211, 21407211, 27207211; Mampaey 2002: 13).

With regionalization, however, each region has had to take responsibility for its decisions. Flanders in particular faces a clear chain of public accountability, brought on by a healthy NGO culture and strong arms trade transparency. As one regional official noted, “It’s not that easy when you have the responsibility” (Interview 55107211) and, indeed, some in Flanders have regretted the regionalization as a result (Otte & Verschelden 2006). Indeed, scandal sensitivity and public criticism has increased markedly in Flanders. The government faced criticism early on for dual-use transfers to Algeria, Colombia, Liberia, India, Israel and Pakistan. It has countered by arguing that it did not approve the export of guns but rather displays, lighting, and airport equipment. (Brinckman 2005; Verschelden 2006a, 2006b).¹²³

In general, the Flemish public leans negative toward the arms trade and defense industry; the region also has an NGO culture and a tradition of peace activism (FPI 2007c; Interviews 20307211, 24107211, 27207211). Flemish NGOs have taken on a watchdog role, criticizing and lobbying the government when necessary and

¹²² Also Interviews 21407211, 24107211, 27207211, 52207211, 55107211.

¹²³ In the case of Liberia, it noted that had been granted an exemption by the UN in order to supply local police under UN auspices (Brinckman 2005).

“really focusing on [policy] implementation” (Interviews 57207211, 24107211). The government, in turn, has ratcheted up arms trade transparency standards (FPI 2006; Interviews 21407211, 24107211) and often feels compelled to avoid critiques from civil society in its decision-making (Interviews 24107211, 53207211).¹²⁴ According to one Flemish arms trade expert, the regionalization was “an opportunity for the Flemish region to demonstrate [that] we can do it better, more ethically” (Interview 21407211). As a result, the government is increasingly cautious and reluctant to approve export deals (Interviews 20307211, 24107211), and companies want to work around Flanders to avoid longer processing times and higher refusal rates (Interview 20307211).¹²⁵

The Walloon region, in contrast, lacks the high scandal sensitivity present in Flanders. Upon regionalization, the Minister-President declared his intention to conserve the current regime and its ethics and standards (Crutzen 2003: 10).¹²⁶ Yet Wallonia has a reputation – whether or not accurate – for a less restrictive approach to arms export decision-making, focusing more on the economic aspects of arms transfers without public retribution. This is in part because public expectations are more positive about the defense trade (Interview 20307211), and in part because sources of organized civil society pressure are weak in Wallonia. While NGOs certainly operate in the French region, government access is more difficult than in Flanders¹²⁷ and transparency is minimal (Interviews 53207211, 21407211, 26207211). One French-language NGO notes that publicly available reports simply do not contain

¹²⁴ Rejections noted in the Flemish press in recent years include Chile, Ethiopia, Saudi Arabia, Suriname, Tanzania, Turkey, and Venezuela (Brinckman 2005; Verschelden 2006a, 2006b).

¹²⁵ Flemish arms trade experts state the vast majority of favorable export decisions in Flanders “go to trustworthy destinations” in industrialized countries and are not sensitive. Approximately half of denials are made for administrative reasons such as missing documents. The other half are for political reasons, such as human rights and security (Interview 21407211).

¹²⁶ Minister-President van Cauwenberghe promised to continue to “respect the ethical norms, EU Code of Conduct, and parliamentary control.” Full text of the 26 August 2003 communiqué at http://gov.wallonie.be/Code/fr/comm_detail.asp?Primary_Key=1244 (last accessed 13 March 2007).

¹²⁷ This is not to say that NGOs have *no* access. One Walloon official notes that the government sometimes has contact with NGOs, in addition to meetings with companies (Interview 55107211).

interesting content and are therefore unhelpful in providing information with which to criticize the government and mobilize the public. In short, improved transparency is necessary before pressure on exports is possible (Interview 27207211).

In fact, the very rare instances of pressure on Walloon export decision-making have come from the Belgian federal government, not NGOs or the public. The divorce between policy-making and implementation created by regionalization gives rise to difficulties in reconciling regional practices with Belgian foreign policy. Wallonia's 2005 approval of an export license for the New Lachaussee Company to build an ammunition factory in Tanzania is the key instance of this unique policy-practice gap. The federal government objected to the decision, arguing that it would contradict and undermine Belgium's policies to support humanitarian arms control, oppose illicit arms trafficking, and promote its peacemaker role in the region (Interviews 21407211, 53207211; Verbruggen et al. 2005).¹²⁸ Wallonia had no legal obligation to grant the federal government's request, nor any direct stake in Belgian foreign policy. Yet its retraction of the license was unrelated to the negative public attention the case generated once it hit the news media – at least for Wallonia. In fact, one Walloon official noted that the issue did not have a “naturalistic appeal” to the public absent the sudden press coverage (Interview 55107211). Although the federal government may have been concerned about international and domestic reputation, the regional government agreed to cancel the license “purely because of the power of the political party” (Interview 52207211).¹²⁹

¹²⁸ Two points are key here. First, Belgium has a colonial history with Tanzania's conflict-ridden neighbor, the Congo, where Belgium also has taken on a peacemaker role (Interview 26207211). Second, Tanzania and the Great Lakes Region more broadly are major arms trafficking routes. See Verbruggen et al. (2005).

¹²⁹ There is not a hierarchy of governments in Belgium, but there is a party hierarchy. Federal parties are above regional parties, which are often starting points for political careers (Interview 26207211).

The Tanzania episode suggests an alternative, albeit rare, path for export accountability across levels of government, as well as the difficulties inherent in separating the agents of arms transfer policy and arms transfer practice. Overall, while regionalization bucks the trend of greater international convergence on arms trade issues (Crutzen 2003: 24), it also demonstrates governments' concern for avoiding the costs of domestic backlash against unpopular export decisions. Active NGOs and transparency are both critical for establishing and enhancing this domestic reputational dynamic. Yet as the contrast between regions shows, improved accountability can – but does not necessarily – translate into compliance with new export norms.

Conclusions

While domestic politics fails to explain the adoption of “responsible” arms transfer policies, it can under certain circumstances emerge as consequential for national practice. Typically, governments have little reason to comply with new arms transfer policies, which can be costly to foreign policy autonomy, economic profit, and defense industry preferences. As a result, explanations rooted in international and domestic material interests can all contribute to an understanding of why states are hesitant to implement new policies, despite signing on to them. What these explanations have trouble accounting for, however, are the rare instances in which governments *do* seek to better their policy compliance. Although an issue often shielded from public attention and buried in complex bureaucratic procedures, I argue that arms exports that come to light and violate national values can result in scandal, leading to the reform of domestic policy and practice. However, where civil society is weak, the potential for scandal declines dramatically and governments are freer to promote defense exports. This points to the importance of not only knowing what is happening (transparency) to trigger better accountability in democratic governments,

but also the existence of a civil society culture able to act on the information transparency provides (active pro-control NGO community). Transparency in the hands of an active civil society can increase the threat of scandal and cause governments to respond with greater restraint – especially when they have already suffered the effects of major scandal in the past.

These cases emphasize the dual need for active pro-control NGOs and arms trade transparency to encourage more compliant export behavior, even if only in those most public and egregious (i.e., scandal-prone) cases. Indeed, it is the prospect of domestic accountability that holds the most promise – among democracies at least – for creating national arms export cultures more responsive to the spread of global arms transfer norms. The adoption of arms trade transparency measures provide the mechanisms for an emergence of arms trade accountability, as long as a civil society actor is available to call policy-makers to account. This dynamic can be facilitated and enhanced by governments’ commitment to certain values and norms in the form of multilateral export restrictions, which – especially when articulated clearly – can ease NGO critiques of government practices. The cases show how variation in transparency and civil society involvement affects governments’ scandal sensitivity and the costs to domestic reputations of “irresponsible” arms transfers. They also show that scandal sensitivity is tempered by the historical national relationship with the arms trade and foreign policy values. In the final chapter, I consider these conclusions in context of the broader dissertation and offer insights into both the theoretical and policy questions raised by the empirical findings.

CHAPTER 7

CONCLUSIONS AND IMPLICATIONS

Conventional arms transfer policy presents leaders with what often seem to be irreconcilable differences between a state's economic interests and its commitment to promoting human rights, peace, and democracy. As a broad category of weapons, conventional arms have long resisted any "humanitarian" regulations due to states' deep-seated concerns for sovereignty, foreign policy autonomy, and economic interest. Nevertheless, in recent years, most major democratic producers have come to embrace "responsible" arms transfer policies, prohibiting the export of small and major conventional weapons to recipients engaged in massive human rights violations or violent conflict. In this dissertation, I have sought to understand why states once strongly resistant to such policies have begun to adopt and promote them in national and international politics. To do so, I have examined trends in states' conventional arms export practices over time, as well as the political dynamics behind their policy choices. I argued that states adopt humanitarian arms transfer policies largely as a means to enhance their reputations in the international community. In contrast, their compliance with new policies remains low but does, to an extent, reflect governments' growing concerns for reputational damage at home, resulting from highly "irresponsible" arms transfers revealed to the domestic public.

Summary of Findings

The empirical findings suggest reasons for both pessimism and optimism for the prospects of conventional arms control. In particular, they demonstrate a glaring disconnect between the growth of states' "responsible" arms transfer policies and their arms transfer practices that – except in a small subset of cases – appear to disregard

new policies. They reveal both that state behavior is hard to change, but also that past hostility to such policies has been replaced with – at least on paper – a strong endorsement of them. What is perhaps most surprising, however, is that the states once most resistant to “responsible” arms transfer standards are now their biggest proponents. Major European exporters had opposed similar policies in the past on economic grounds. Today, in spite of the European industry’s continued reliance on exports to survive, European governments have become among the most vocal proponents of shared humanitarian standards of export control. The United States, in contrast, had once been alone in its support for similar policies but is now the leading opponent. I employ statistical analysis and detailed case studies to explain why.

I use cross-national time series regressions to assess the small and major conventional arms export practices of 22 top supplier states from 1981 to 2004. The results indicate that, in the case of conventional arms transfers, policy has not followed practice – and that practice has largely not followed policy, either. For human rights, I find a strong relationship between importers’ human rights violations and the likelihood they receive small and major conventional arms. While this relationship weakens somewhat after “responsible” policies begin to spread after 1998, actual change in state practice is indeterminate at best and only a real possibility for small arms exports to the worst human rights violators. Major conventional weapons transfers consistently disregard human rights. Indeed, bad human rights appear to strongly encourage, rather than discourage, MCW exports. Internal conflict, too, suggests only the possibility for changed practice among small arms exports and inattention to major conventional arms exports over time. In these cases, policies regulating arms transfers to conflict zones and human rights violators appear to be far ahead of state practice.

The statistical results do, however, suggest some higher compliance with considerations for formal arms embargoes. As the only long-term set of legally-binding constraints on states' export behavior, the effects for arms embargoes are both interesting and surprising. Despite anecdotal evidence suggesting that states often defy formal embargoes, the statistics reveal that transfers of major conventional weapons have consistently been limited by arms embargoes. As greater attention has been paid to small arms since the late 1990s, arms embargoes have begun to exercise a dampening effect on small arms transfers, as well. Politically-binding regimes, in contrast, appear to affect only small arms exports to the worst human rights violators but otherwise demonstrate little restrictive role.

These findings point to a number of important conclusions related to states' export practices. First, behavior differs from small arms to major conventional arms, perhaps because multilateral policy initiatives until recently had focused solely on the former. This indicates that combining the two types of exports in a single statistical analysis would be mistaken, and that international discussions might have some effect. Second, states have chosen to adopt and promote new policies – including legally-binding standards – despite the fact that they would require dramatic changes in export practice. Third, while states' policies have been closely scrutinized in international politics, attention to their practice has been limited and perhaps enabled states “to have their cake and eat it, too.” That is, states have sought the benefits of adopting new “responsible” arms export policies, but have largely been able to avoid the costs of both implementation and condemnation for non-compliance. At the same time, compliance does seem to have improved in two cases: Where states' commitments have been clear and legally binding, as in arms embargoes, or; Where states' violations of their commitments, despite attached “only” to politically-binding regimes, have been clear, as in exports to the worst human rights violators.

Case studies of five major supplier states – Belgium, France, Germany, the UK, and the US – deal with these dynamics in greater detail. I argue that concerns for their international reputations as “good” European or international citizens play a prominent part in explaining states’ otherwise puzzling policy choices. With possible costs and little to no domestic incentives behind their policy shift, it appears as though supportive states employ their policies as a means to improve their reputations in the international community. I show that multilateral institutions – here, the EU and the UN – serve as a site of repeated interaction among diplomats, who seek to earn praise and avoid censure for their arms export policies, which have become a focus of attention in the past decade. Those states whose self-images are strongly tied to international institutions and cooperation are most intensely affected by this dynamic.

I demonstrate this concern for reputation through interviews with key players in the arms transfer policy-making process, government documents, and secondary literature. Government officials and NGO and defense industry representatives often directly connect states’ policy support with their concern for international image and reputation. They are also keenly aware of how their policies compare to the policies of their peers and whose are the “best” and “most responsible.” In addition, some respondents argue that the fact Foreign Ministries, rather than Economics Ministries, are typically in charge of multilateral export control policies means greater attention to cultivating international reputation at the expense of domestic economic interests.

Conventional wisdom, however, suggests that policy will follow the interests and demands of powerful national defense industries. Yet, as I show, states have supported “responsible” arms transfer policies *in spite of* industry preferences, not because of them. While defense industries in supportive states now favor multilateral export controls, their support has come long after that of their governments. In fact, with the public mostly inattentive and industry in favor of lesser – not greater – restraints,

domestic pressures to support restrictive policies have generally been absent. Where domestic pressures do take a prominent role, I show, is in the implementation phase. In the presence of arms trade transparency and active pro-control NGOs, governments begin to fear the public unveiling of their most “irresponsible” export deals. Scandals draw attention to governments’ arms trade practice and harm their domestic reputations. In addition, past scandals can induce reforms that enhance transparency and mobilize civil society, increasing the threat of future scandal. Under these conditions – arms trade transparency and pro-control NGO activity – governments’ scandal sensitivity in cases of export deals to the worst human rights violators and conflict zones increases and implementation improves relative to past behavior.

The United States is the only major democratic exporter that has opposed new “responsible” arms transfer initiatives, although it had promoted similar policies in the past. I attribute current US opposition both to its domestic politics and to its role in the international community. First, the strength of the NRA and its opposition to such policies has been influential in US policy choices since 2001 especially. The unparalleled power and funding of the NRA in comparison to pro-control NGOs, as well as limited public attention to these issues outside of the NRA, make the pro-control voices small and lacking in influence. This also means that the government’s scandal sensitivity is extremely low, despite trade high transparency. Pro-control NGOs lack the resources to clear the high hurdles necessary to attract public attention to “irresponsible” export decisions. Second, the US has taken an exceptionalist attitude toward international institutions and external constraints on its foreign policy over time. As a part of this trend – which has long been evident to some extent in the arms trade – the US has resisted restraining its arms transfer decision-making. Indeed, rather than cultivating a reputation for institutionalized cooperation, the US looks instead to its superior power to define its self-image and global role.

A European Phenomenon? Outside the Top Five

Because this project examines states' policy choices largely in favor of humanitarian arms control despite material incentives to the contrary, I focus the case selection on top democratic exporters. These cases have the highest material incentives to maintain more liberal export controls – and, in the past, have done just that – but are also, as democracies, more subject to domestic and international pressures. As a result, my cases outside the US are all European. With the US as the sole “no” vote, this leaves open the question of whether the political process I use to explain states support are a European phenomenon, or something broader. I argue that, while domestic culture and the forces of integration in the EU have perhaps made these dynamics stronger, they do reach beyond the EU to medium-sized exporting states, as well. A brief look at the politics of arms transfers in Israel, South Africa, and Brazil – all three of which have been late to develop their national defense industrial bases but have evolved into medium exporters – helps to demonstrate this point.

Israel: Concern for International Reputation?

As regions, the Middle East and Asia have been the only two to lack arms transfer control initiatives and have generally been wary of any international initiatives at the United Nations. Israel has both been a substantial importer of conventional weapons and known to be engaged in highly non-transparent and unscrupulous export deals of its own.¹ The combination of its heightened sense of regional insecurity, its liberal arms export practices, and its lack of exposure to regional export control norms has made Israel unwilling to endorse multilateral transfer controls. As a part of an

¹ According to SIPRI (2007), Israel ranked seventh in recipients of major conventional weapons from 2002-2006 (418). As an exporter, it ranked tenth during that same time period (422). The Small Arms Survey (2006) lists Israel as a medium exporter of SALW, in the lower end of the top 30 (71). It also ranks Israeli export transparency in 2007 among the lowest in the world (2007: 89).

“unstable” region, where many major exporters fear conflict and human rights abuses, Israel is also concerned that shared standards of export control may hinder its access to arms. At the same time, a lack of arms trade transparency and NGO activity have prevented any sustained attention to the issue in Israeli domestic politics. At home, the Israeli government – perhaps to an even greater degree than the US government – is free of reputational concerns attached to the perception of “irresponsible” arms exports. With no ready public information about arms transfers and no groups to spotlight the issue when it does arise, this seems unlikely to change.

Yet despite Israel’s resistance to shared “responsible” export controls and its lack of domestic attention to the issue, it has chosen its position carefully at the United Nations out of concern for its international reputation. According to one NGO expert, Israel’s instructions for its 2006 ATT vote “were to do one better than the US” (Interview 48207002). With US opposition well established, it was clear that the United States would set the low bar for states’ multilateral policy – and deepen the damage to its reputation in the process. Had the US abstained, Israel would supposedly have voted in favor of the ATT resolution. As it happened, the US voted “no” and Israel abstained. Later, in its 2007 ATT statement to the Secretary-General, Israel asserted that its abstention should be understood “as a call for prudence...rather than an objection to the application of a robust and responsible control of the sale and transfer of arms by States” (UNGA 2007: 16).² Its policy has therefore allowed it to maintain a cautionary stance without coming out in opposition.

In short, Israel has chosen its policy in order to avoid being a magnet of international criticism, along with the United States. While close to the United States

² In a view questioned by arms trade experts, Israel also stated that it “has, for many years, exercised strict control over arms exports through a comprehensive export control mechanism” (UNGA 2007: 15). Like the other cases in the project, this suggests that the government wishes to emphasize that its policies are nevertheless “responsible” and in tune with international standards.

and dependent on it for substantial advanced weaponry, Israel nevertheless recognized the broader social costs of aligning with the US on the issue. It may not have opted to improve its image through policy support, but it was strategic in avoiding the damage to its reputation associated with opposing the initiative or sharing in the lowest common policy denominator. Future research on the Israeli case can delve further into its decision-making calculus to highlight two important points. First, it can showcase international policy pressures in the absence of existing regional norms or policies and in the presence of strong military insecurities. Second, it can reveal the extent to which the United States sets the standard of policies to avoid and detracts attention from those “less irresponsible” but still not “responsible” policies by non-supportive states.

South Africa: Concern for Domestic Reputation?

It is also likely that international reputational pressures have been at work behind South Africa’s transformation from early opposition to UN initiatives in favor of regional norms, to its firm support of a global ATT. What South Africa contributes to the analysis more significantly, however, are its vivid domestic debates about policy implementation, as I described in Chapter 1.³ In that example, the South African government approved the transfer of Chinese arms from South Africa to Zimbabwe in 2008, a decision that, when discovered, was met with public protests across the country. The government eventually took the case to court, reversed the decision, and barred the transfer. This case demonstrates both the government’s lack of sensitivity to arms scandals (until after they break), and the public’s intolerance of transfers – once revealed – that are perceived as “irresponsible” and contrary to South African values.

³ The development of a national defense industrial base during its apartheid embargo has made South Africa an infrequent importer (it ranked 49th from 2001-2005) but a medium exporter of major conventional weapons, ranked 20th from 2002-2006 (SIPRI 2007: 418, 422). Small Arms Survey (2006) ranks South Africa as a medium exporter of SALW, in the lower end of the top 30 (72).

The domestic politics of arms transfers in South Africa present an interesting complement to Germany, with historical experience in both cases leading the public to be sensitive to the human rights and conflict implications of the governments' arms transfer decisions. However, unlike the German case, South Africa currently lacks the transparency measures to make the government more responsive to the prospects of adverse public reaction to "irresponsible" exports.⁴ According to the Small Arms Survey (2007), South African arms trade transparency is non-existent, a distinction, among top 40 exporters it shares only with Bulgaria and North Korea and is slightly bested even by Israel (74, 87, 89). What information has been released in recent years has come too late and, as a result, has been largely ignored by the media and "perceived to be only of historical interest" (Lamb 2007).

South Africa does have an active pro-control NGO community and a public – as the example shows – willing to mobilize when the information and opportunity arise. Religious and labor groups, in addition to a number of organizations⁵ dedicated in part or in full to arms trade issues monitor South African activities as they can. Without regular sources of arms trade information, however, the government can more easily hide less palatable export partners from critical eyes and proceed with less concern for threats of adverse public reaction. Yet whether the government can maintain such a pattern of secrecy remains to be seen, especially in a country simultaneously seeking a regional leadership role and adversely affected by gun violence itself.⁶

⁴ For example, known South African small arms exports to human rights violators from 2002-2004 include Brazil, Colombia, Indonesia, Nigeria, Uganda, and Zimbabwe (SAS 2007: 98-107).

⁵ IANSA affiliates in South Africa include Amnesty International South Africa, Centre for Conflict Resolution, Coalition for Peace in Africa – Action Support Centre, Congolese Association for Peace and Development, Gun Free South Africa, Institute for Security Studies, the Peace and Security Program at the University of Witwatersrand, and SaferAfrica. See <http://www.iansa.org> (last accessed 18 March 2009).

⁶ South Africa did release annual arms trade reports from 1995-2002, which were subject to civil society criticism on specific cases (such as sales to Rwanda and Pakistan). However, reports ceased

Brazil: Separation of Domestic Politics and International Policy

Brazil developed its national defense industrial base in the 1970s and 1980s, and, while it is not a large exporter of major conventional weapons,⁷ in the past decade, it has become a key exporter of small arms (SAS 2006: 69). The Brazilian case presents a useful counterpoint to the United States, showing how NRA-related activities in domestic politics need not translate into opposition to arms export controls at the international level – or serve as the sole explanation for such opposition. In fact, Brazil has been a strong supporter of the development of “responsible” arms export policies in regional and international fora, delinked from intense public debates over questions of domestic arms control.

Gun violence in Brazilian society is notorious.⁸ In response, in 2005, Brazil considered a proposition – introduced by pro-control NGOs – to outlaw commercial arms and ammunition sales to civilians. As late as one month prior to the October referendum, poll numbers suggested 73 percent in favor of the proposition, largely because of support from the federal government, the Catholic Church, and a major media conglomerate (Morton 2006: 61). Yet while civilian gun ownership in Brazil is thought include only a small fraction of the population, the proposition failed by a nearly two-to-one margin. One of the primary reasons, according to David Morton (2006), was the intense ad campaign in the three weeks prior to the election run by pro-gun groups emphasizing NRA-honed themes⁹ of freedom, democracy, and self-

when arms export legislation was reformed in 2002. Although the reformed legislation required annual export reports (as well as human rights considerations in export decision-making), no reports were presented between 2003 and 2006. NGOs, in turn, “expressed concerns that South Africa may be returning to apartheid era of secrecy.” Reports for 2003-2006 were released in the summer of 2007, but viewed as too late to allow any real critique or action. See Lamb (2007). A comparison of the transparent and non-transparent periods of South African arms exports might therefore be instructive.

⁷ Brazil ranked 33rd in exports of major conventional weapons from 2002-2006 (SIPRI 2007: 418).

⁸ See SAS (2007) on the explosion of gun violence in Brazil.

⁹ According to NRA spokesperson Andrew Arulanandam, the NRA viewed “Brazil as the opening salvo for the global gun control movement” (Morton 2006: 61).

determination. With coaching and consulting from the American NRA, Brazilian pro-gun groups successfully appealed to the public's anxiety about trust in government and its history of overcoming dictatorship.

Yet this debate over domestic regulations has not been connected to international arms trade issues, and pro-gun groups in Brazil have not made the leap to catalyze their constituency that the NRA has made in the United States.¹⁰ As a rhetorical strategy to rally public support for domestic gun rights, this suggests both that there may be more to US opposition than the NRA lobby, as I argued in Chapter 5, and that this strategy may have limited resonance outside US borders. In these cases, both domestic gun culture and attitudes toward the UN and multilateralism more broadly may be key to determining whether or not domestic and international arms control initiatives are linked. More fundamentally, Brazil may also not have the luxury of shrugging off international institutions and concern for its international reputation in the way the US superpower appears to have done.

Theoretical Implications

The spread of “responsible” arms transfer standards presents IR theory with a difficult task. Ripe with potential costs to economic profits and military power, such policies also lack the incentives of winning domestic political gains or future profitable agreements to sign on to new policies. Yet states’ widespread concern for the image much more than the substance of “responsible” arms export control suggests that policy changes have not come around because of a deep normative commitment to new humanitarian standards, either. The gap between policy and

¹⁰ Certainly, pro-gun groups do not dominate Brazilian politics on this issue like the NRA. IANSA lists a number of active pro-control affiliates: Movimento Paz Espirito Santo, Desarme.org, Viva Rio, Children and Youth in Organised Armed Violence, and the Instituto Sou da Paz. Yet pro-control groups also appear somewhat more focused on domestic rather than international issues, reinforcing the trend that states have adopted supportive policies at the international level even without NGO pressure.

practice revealed by the statistical analysis casts doubt on explanations that highlight the transformation of state interests by international norms. At the same time, states' newfound eagerness to endorse such policies does indicate a change of expectations for appropriate policies, particularly after the 1997 Ottawa landmine ban. Any explanation must therefore bridge the IR paradigms to account both for states' policy choices consistent with constructivist approaches and for a lack of compliance expected by more materialist theories.

International and Domestic Reputation

Concern for international reputation, I argue, helps explain states' strategic support of "responsible" arms transfer policies to gain social standing in the international community. In this sense, policy choices serve as a means by which states can enhance or repair their reputations in international fora. While existing work on reputation in IR theory deals with how states use reputation as a means to achieve military or economic ends, my argument introduces two additional insights. First, states do not simply use reputation as a means to an end, but can also seek to enhance their reputation as an end itself. Second, reputation can have social, as well as material, implications. In particular, where diplomats meet repeatedly in multilateral institutions to discuss certain issues over time, concern for reputation can capture the importance of image and social standing in the international community.

My research also demonstrates that reputation can play a role in policy implementation and domestic politics. The literature on compliance with international law typically looks to the international level to provide states with the incentives – whether material or non-material – to comply with policy commitments. However, so far, such international verification and accountability mechanisms and the hard treaty law to encourage compliance are largely absent in the arms trade. In this sense, states'

non-compliant practice is not surprising. Yet, while states may not have domestic incentives to sign on to arms transfer initiatives, they do face domestic incentives to engage in some policy implementation. Governments caught exporting arms to prominent human rights violators and conflict zones – in perceived opposition to national values – may suffer costly scandal at home.

In the absence of international mechanisms, compliance therefore becomes contingent upon conditions in domestic politics. Although the public is ordinarily oblivious to arms transfer policy and practice, scandal spotlights governments' policy-practice gap, generating drama and with it, intensely critical public attention.¹¹ Governments that perceive a greater threat of scandal exercise comparatively more restraint in their export practices. The co-existence of trade transparency and active pro-control NGOs helps shape governments' perceptions of scandal sensitivity and create some accountability on the home front. A key issue for compliance is therefore whether there are actors with the willingness and ability to expose government non-compliance – and whether they can do so in a way that the public cares so that such exposure is costly to a government's domestic reputation. Indeed, at the domestic or international level, information about government activity – along with actors capable of monitoring and using that information – are critical to promoting compliance.

The Importance of Soft Law and Social Obligation

Although arms trade accountability has been left largely in the hands of domestic actors, international institutions and soft law in the form of politically-

¹¹ Matthew Baum (2002) sees a similar trend of broadening public attention to some political issues through soft news. He states, "[T]he soft news media do convey substantive information concerning a select few high-profile political issues" and can easily frame them as "compelling human dramas," capturing the imagination of the public that would ordinarily not be tuned into or interested in such events (91). Conducive to exploiting scandals, trials, and crises, soft news transforms "a select few major political of the day into the entertainment that people seek" (96).

binding agreements and norms nevertheless play an important role. By specifying policy commitments and values, state support for international initiatives can make rhetorical entrapment¹² effective strategies for NGOs in domestic politics. Support for international agreements, whether politically- or legally-binding, makes explicit states' commitments to certain values and norms and connects arms exports to the exacerbation of conflict and human rights violations. In doing so, this makes incidents of hypocrisy easier for NGOs and the media both to spot and to spotlight.

While these multilateral initiatives have not yet led to a social obligation for compliant practice,¹³ they have established a growing obligation for states to support and promote them in the international community. Social obligation among states lays the foundation for the social costs and benefits of opposing popular initiatives and underlies states' concern for reputation linked to "responsible" arms transfer policies. This sense of social obligation, derived from changed expectations for arms transfer policy, has caused states to reconsider past policies and adopt new ones. Diplomats may therefore choose to support "responsible" arms transfer policies to benefit their states' international reputations, but those benefits – and the costs of opposition – are social, not material.

Where a shared sense of social obligation is absent, reputation falls to the wayside as a motivation for policy support. This is more likely, I find, where a state is less dependent on international institutions and "good international citizenship" to define its role in the international community. As the US case illustrates, this can

¹² Frank Schimmelfennig (2001) notes that states become "rhetorically entrapped" when their past rhetoric can force them to support policies against their preferences, in order to avoid damaging their credibility and reputation as members – in Schimmelfennig's case – of the European Community. Similarly, Nicholas Wheeler (2000) notes that states that "invoke [shared rules and norms] to defend their actions can find themselves entrapped by their own justifications in ways that serve to constrain their subsequent actions" (26).

¹³ See Finnemore and Toope (2001) for a discussion of international norms, soft law, and social obligation; that is, "law as a set of relationships, processes, and institutions embedded in a social context" (751).

translate into a lack of concern for how it is viewed by other actors in the international community and, consequently, its reputation. This suggests, not surprisingly, that a hard-power oriented hegemon may choose to ignore soft law and social obligation more readily than other states, because it may perceive its interests as above or exempt from it.¹⁴ As a result, although its reputation has taken a hit from its opposition to “responsible” arms control and other multilateral initiatives in recent years, the United States’ concern for its reputation appears to have remained low. Without a sense of social obligations shared with other states on being a “good” or “responsible” member of the international community, moreover, its lack of concern will likely persist.

Consequences for Regime Formation

Whether damage to the United States’ reputation will significantly affect its foreign policy remains to be seen. However, the US attitude toward international law does have consequences for understanding regime formation and norm diffusion in the absence of hegemonic support. Research on international regimes finds that regimes form more readily under the leadership of a hegemon with the material power and influence to coax (or coerce) others to join and continue to cooperate over time. When the hegemon is uninterested in or actively opposes cooperation on an issue, as in the case of “responsible” arms export controls, however, the effects on regime formation are less clear. In a process driven by institutional rules of consensus, opposition from any state will stall cooperation. Yet excluding one of the most powerful players may

¹⁴ See Chapter 5 for a discussion of American exceptionalism. As Edward Kwakwa (2003) states, “It would seem that what the United States perceives as its vital interests inevitably determines the degree of US involvement in any community activity” (42). Yet the separation he observes between US interests and the interests of the international community more broadly suggests a narrow view of US interests limited to material concerns and excluding social interests that affect its reputation and social standing. Research on “soft power,” “civilian power,” “normative power,” and “smart power” all suggest, however, that a lack of attention to social obligations and the US image on the international stage may ultimately be detrimental to its ability to achieve its foreign policy goals.

cast doubt on the legitimacy of the process and its outcome,¹⁵ for the US and possibly also for other skeptical states. When the US is the main opponent, leaders will therefore make more of an effort to accommodate its wishes and concerns, which may simultaneously increase the legitimacy but weaken contents of the final product – if any agreement can be reached at all.¹⁶ While it is certainly possible to initiate regime formation in the absence of hegemonic support, states and other actors may have limited tools at their disposal to convince the hegemon to get on board, despite the importance of doing so. Absent shared social obligation, it seems, states leading conventional arms control initiatives – even the closest allies of the United States – wield little ability to shift US policy.

Even so, when the hegemon's reputation is damaged, its opposition may not be wholly detrimental. The opportunity to “look better” than (or not to look as bad as) the US has helped garner support for (and lessen opposition to) shared arms transfer controls. How opposition from the hegemon affects regime formation may therefore depend in part on the hegemon's reputation. That is, a hegemon perceived negatively by a majority of states for violating its social obligations can provide an opportunity for others to advance their social standing by behaving “better” than the most prominent objector. In addition, the United States' clear-cut, unflinching opposition has distracted attention from the skepticism of other, less prominent states. It has also helped to identify a rallying point and generate the momentum to advance multilateral conventional arms export standards that might not have otherwise gone forward.

Clearly, it is possible to create a regime in the absence of hegemonic leadership. However, the conditions under which it may occur, and the strength of the

¹⁵ See Franck (1990).

¹⁶ This is one of the primary reasons ICBL leaders chose to pursue the landmine treaty in a process independent of the United Nations. Similarly, the EU consented to a politically-binding Code of Conduct for Arms Exports in 1998 because of French opposition to a legally-binding document.

outcome itself, may be circumscribed as a result. In the face of hegemonic opposition, lead states must have an ability to rally a critical mass of other members of the international community, which may be affected by the reputation of the hegemon, as well as the strength of changed expectations for “responsible” policy choices. When consensus over norms has become more widely diffused,¹⁷ possibly through regional initiatives, these conditions can work together to the advantage regime leaders: The reputation of the hegemon will visibly suffer as a result of its opposition, and other states will perceive a greater sense of social obligation and consequences for their own reputation linked to their policy choices. The social pressures to cooperate therefore may be stronger, even if the initiative lacks the support of the hegemon. When norm diffusion becomes truncated, however, lead states may have difficulty inspiring cooperation in the absence of hegemonic support.

Policy Implications

The empirical and theoretical findings of this research also lead to substantive policy implications, especially as policy-makers consider how to move forward with processes underway. First, to achieve substantive behavioral change among major exporters, it suggests that legally-binding agreements specifying obligations and accountability mechanisms may be necessary. Of course, hammering out detailed treaty provisions can be a long, difficult, and uncertain process. Achieving “hard” international law is hard work. However, if domestic political pressures can only produce government accountability in a small subset of extreme cases, mechanisms at

¹⁷For a small sample, see: Acharya (2004); Checkel (1999); Cortell and Davis (1996); Finnemore and Sikkink (1998); Florini (1996); Garcia (2006); Gurowitz (2006); Nadelmann (1990); Price (1998); Risse and Sikkink (1999). In general, research on norm diffusion finds that international norms will spread and take hold more easily when there is a cultural or ideational match between international and domestic norms. Leaders’ choice of framing, use of naming and shaming, and wielding of social and material incentives to adopt norms can also affect norm diffusion, as can a norm-taking states’ domestic structure. The adoption of norms by “critical states” can also speed and spread the process.

the international level will be necessary if governments' policy-practice gaps are too narrow. Ambitious policies are a necessary start, but without the means to change state practice in any significant way, they do little more than to enhance exporting states' reputations without improving human rights and conflict conditions on the ground in recipient states as ostensibly intended.

This implies, second, that leaders have a difficult decision to make in terms of the institutional venue for continuing ATT negotiations. The Ottawa landmine treaty achieved more stringent standards because lead states and the ICBL chose to remove its negotiations from the United Nations framework, in order to strengthen and broaden the scope of the agreement. A similar strategy was followed for the Oslo cluster munitions treaty. So far, leaders have chosen to keep the ATT within the United Nations, not wanting to undermine the organization by removing yet another landmark arms control treaty from its fold. Yet ability to progress within the UN framework is severely limited by unavoidable consensus decision-making rules. If leaders do want to create a meaningful and effective treaty, they may ultimately need to eschew UN rules and follow the paths of Ottawa and Oslo. The existing widespread support for the ATT initiative suggests that this would be a feasible strategy to the benefit of arms transfer policy, but potentially costly to UN authority and influence.

Third, lead states and NGOs need to continue to consider how to deal effectively with skeptical or opposing states, especially if they wish to keep arms transfer processes within the UN framework. Understanding the nature of the states' interests at stake and their perceptions of their roles in the international community may aid in this endeavor. For Russia, which may see itself above shared social obligation, reputational pressures may not be the most effective strategy. Indeed, the arms trade continues to be an important economic issue for its struggling economy and an area of exports where Russia has maintained strength. Making a pitch for

“responsible” arms export standards that emphasizes the ability to share technologies and engage in co-production to produce a wider range of profitable, marketable equipment may be the most effective strategy. Conversely, China may respond better to reputational arguments as it seeks social standing and integration into the international community. The United States remains an open question. With the election of President Barack Obama, lead states and NGOs may have a new opportunity to persuade an image-conscious administration to change course. At the same time, continued domestic opposition, foreign policy concerns, and attention to financial issues at home may keep the arms trade issue on the backburner.

Even if lead states remove the ATT process from the UN and seek a stronger treaty from a “coalition of like-minded states,” the eventual inclusion of the US and Russia as top-five exporters especially will be an important goal. In particular, some participation by all of the top arms exporters will be necessary to create a more effective regime, able to reduce arms flows to problematic areas. This could occur either through the formal signature and ratification of the eventual ATT, or by way of an informal adherence to ATT provisions, without formal signature and ratification, as the United States has largely done with the Ottawa treaty. For this latter option to be plausible, however, arms trade norms within the international community would have to be strengthened greatly and supporting states’ practice a focus of critical international attention. Work by civil society groups in domestic politics can attempt to increase public attention to enhance compliance and accountability, but given other pressing domestic concerns and the complexity of the issue itself, pressure from the international community may be the more valuable track in the long run.

Future Research

Research on conventional arms transfers and on international reputation are both areas which have long been neglected in IR theory, but which have begun to attract increasing attention by scholars and policy-makers in recent years. The research presented here has introduced, but by no means exhausted, new understandings of reputation in international relations, and sought to provide a theoretical foundation to understanding new developments in conventional arms export control. Both of these areas can be carried forward into future research. First, arms control and disarmament – conventional and unconventional – present a rich area to compare the creation of regulatory and prohibition regimes more broadly. The regulation of conventional and unconventional weapons often faces different security challenges, and the formation and maintenance of weapons regimes are seldom compared as a result. Yet it is rare in either case that states achieve prohibition regimes. Those prohibition regimes that do exist are often related more to humanitarian than security aspects of arms control.

Understanding the dynamics of conventional arms regulation in international politics thus provides one piece of a bigger puzzle. With the development of shared standards of conventional arms transfer control, including small arms, the last untouched area of arms control has become a focus of attention in multiple multilateral fora. Falling between the full prohibition regimes of “inhumane” weapons and the partial prohibition regimes of nuclear weapons, conventional arms regulations complete a spectrum of weapons regimes ranging from the protection of individual human security to the protection of states’ military security. Military and economic utility, links to international law – especially international humanitarian law – and the effects of the weapons themselves all may contribute to create a political and normative environment more or less conducive to regulatory or prohibition regimes. Comparing and contrasting the political dynamics of the control of conventional and

unconventional weapons, as well as dual-use technologies, may therefore provide insights into how and why states seek different kinds of regimes and to what effect.

Lessons from the study of reputation, too, can be expanded to explore the dynamics of arms control, as well as other issues in international relations, for both democracies and non-democracies. For example, one type of arms transfer – giving arms in the form of military aid – provides a lead into the context of the politics of state aid-giving practices more broadly. The politics of international aid giving may present a natural setting in which states seek to cultivate a humanitarian image in the international community. Past research has identified military-strategic incentives behind Cold War military, humanitarian, and economic aid.¹⁸ In light of more recent developments, however, two questions emerge. First, states' concern for international reputation suggests that donors may reorient humanitarian and economic aid to favor recipients prominent in the media and in support of human security. Reputation may help to explain both how and why states dedicate resources to international aid, as well as how these patterns may change over time.

Second, counter-movements associated with the War on Terror indicate that some arms exporters may be adopting a renewed Cold War mentality of military aid-giving. The United States specifically has cited the need to lift human rights related arms embargoes in order to supply crucial allies abroad (Stohl 2006). Whether other major exporters – in Europe, Russia, and elsewhere – have followed suit in order to stay competitive on the global arms market is as of yet unclear. Certainly, the findings here that indicate a break in reputational concerns in transatlantic relations may likely lead to different aid-giving practices among the NATO allies. In other areas of international aid, too, whether aid serves a tool in states' foreign policy arsenals to win allies, promote reputation abroad, or both is an important question, with consequences

¹⁸ For a brief sampling, see: Carleton and Stohl (1987); Meernick et al. (1998); Schraeder et al. (1998).

for understanding not only aid-giving and reputation, but also international development and relations between the developed and developing worlds.

States' concern for their reputations links normative shifts in the international community to policy choices intended to serve states' interests. As humanitarian arms transfers have taken a prominent place in regional and international security policy-making in the past decade, states have come to accept new policies and initiatives as a matter of national interest. In doing so, the role of conventional arms transfers in world politics has also shifted, in line with changing foreign and security policy practices in the post-Cold War era. Rather than providing arms to sway recipients' foreign policy loyalties – irrespective of their internal practices – the selective denial of arms transfers today seeks to target and influence recipients' internal politics.

On paper, at least, conventional arms transfers have become a tool by which exporters can choose to promote international humanitarian and human rights norms. Yet the gap between states' commitments on paper and their less restrictive arms exports in practice has gone largely unaddressed in international discussions. Instead, domestic political actors have taken on a role both to constrain states' foreign policy and to encourage their promotion of norms in the international community. At the intersection of individual and state security, as well as states' material interests and social obligations, the regulation of conventional arms transfers presents policy-makers with a complex and sensitive task. Their continued progress will depend on maintaining an uncertain momentum but has profound consequences for security and human rights around the world.

APPENDIX A

POST-WAR MULTILATERAL CONVENTIONAL ARMS CONTROL TIMELINE

TABLE A.1. Timeline

Year	Key Talks and Agreements	Purpose
1949-1994	Coordinating Committee (COCOM) for Multilateral Export Controls	Control conventional and dual-use exports from West to East
1974	Declaration of Ayacucho	Established Latin American import controls
1977-1978	Conventional Arms Transfer (CAT) talks between US and USSR	Goal to limit weapons transfers to regions of conflict but fell apart
1980	Convention on Certain Conventional Weapons (CCW), Protocols I-III	Ban the use of specific conventional weapons that cause “superfluous injury and suffering”
1987	Missile Technology Control Regime (MTCR)	Informal and voluntary regime to prevent the proliferation of unmanned delivery systems of WMD by coordinating national export licensing.
1990	Treaty on Conventional Armed Forces in Europe (CFE)	Set troop ceilings and mandated destruction of excess weaponry in East and West Europe
1991-1992	P5 Talks on conventional arms control	Goal to limit arms transfers to Middle East but fell apart
1992	UN Register of Conventional Arms goes into effect	Transparency and information-sharing.
1992	Treaty on Open Skies	Promote openness and transparency in military activities and forces
1993	NGO Landmine Conference	First NGO conference on landmines held to consult on possible campaign to ban landmines
1995	UN General Assembly Resolution 50/70B	Creates a UN Group of Governmental Experts on Small Arms assigned to prepare a report on small arms with the UN Secretary-General
1995	CCW, Protocol IV	Ban use of blinding laser weapons
1996	OAS Landmine Resolution	OAS declares goal to eliminate anti-personnel landmines in the Western Hemisphere, ask for states to declare moratoria on the production, use, and transfer of landmines.

Table A.1 (Continued)

1996	Amended Protocol II of CCW on mines, booby traps, and other devices	Restrictions on use of anti-personnel landmines, anti-vehicle mines, and booby-traps.
1996	Ottawa Conference Towards a Global Ban on Anti-Personnel Mines	Participating countries call for international community to eliminate landmines.
1996	UN General Assembly approves landmine resolution	Calls for an international agreement to ban the use, production, stockpile, and transfer of anti-personnel landmines.
1996	Wassenaar Arrangement (WA)	Transparency, to replace COCOM
1996	United Nations Disarmament Commission (UNDC) guidelines for international arms transfers	Non-mandatory guidelines for transfers of conventional arms to conflict zones or unstable areas.
1996-1997	UN Panel of Governmental Experts on SALW	Charged to report on the use of SALW in conflict, their excessive accumulation, illicit production and trade, and means to reduce their destabilizing accumulation.
1997	UN General Assembly Resolution 54/54V	Requests views of member states and second GGE on convening a SALW conference
1997	Ottawa Mine Ban Treaty	Ban import, export, production of anti-personnel landmines
1997	Inter-American Convention Against the Illicit Manufacturing and Trafficking of Firearms (Organization of American States)	Seeks to prevent and eradicate illicit manufacturing and trafficking of firearms, ammunition, and explosives through cooperation and exchange of information.
1997	EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms	Non-binding political commitments to prevent and combat illicit trafficking from the EU and assist areas adversely affected by trafficking
1998	EU Code of Conduct on Arms Exports	Politically binding agreement providing common export standards and consultation mechanism
1998	EU Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of SALW (renewed in 2002)	EU joint action to combat the destabilizing spread of SALW and help solve problems caused by such accumulation.
1998	ECOWAS Moratorium on Production and Trade of SALW (West Africa), extended in 2001 and 2004	Ban import and production of SALW
1998	Small Arms Working Group Southern African Development Community (SADC)	Established to develop policies on SALW in the SADC

Table A.1 (Continued)

1999	UN Group of Governmental Experts on convening a small arms conference	Produces report on the scope, agenda, dates, objectives, and venue for a SALW conference
1999	Inter-American Convention on Transparency in Conventional Weapons Acquisitions, OAS	Transparency in export and import reporting, and weapons acquisitions in general.
1999	OSCE Istanbul Summit	Agreed to mandate to initiate discussions on problem of SALW proliferation
2000	OSCE Document on Small Arms and Light Weapons	Comprehensive politically binding document including export control criteria, marking and tracing, and identifying surpluses
2000	Nairobi Declaration on Illicit SALW (Great Lakes Region and Horn of Africa)	Information-sharing and cooperative agreement to combat problems caused by illicit SALW.
2000	Bamako Declaration on Illicit Proliferation, Circulation, and Brokering of SALW (Organization of African Unity)	Recommended national action on SALW issues, the creation of bilateral agreements along borders, and the destruction of surplus weapons.
2000	Brasilia Declaration of Latin American and Caribbean States	Developed common position for 2001 UN SALW Conference on inclusion of existing norms and principles in development of UN document
2000-2001	Preparatory Committee (PrepCom) meetings on SALW conference	Negotiated procedures and draft programmes of action for 2001 UN conference on SALW (three meetings total)
2001	SADC Protocol on the Control of Firearms, Ammunition, and Other Related Materials in the SADC Region	To establish regional and international initiatives to combat illicit production and destabilizing accumulation of firearms.
2001	UN Programme of Action on Illicit Trade in Small Arms (POA)	Politically binding document to establish national, regional, and global measures to combat illicit trade of SALW
2002	WA Best Practice Guide for exports of SALW	Guidelines for WA members to take into account regarding the transfers of SALW, including human rights, conflict, and compliance with international commitments
2003	CCW, Protocol V on Explosive Remnants of War	Deals with explosive ordinance left behind after conflict and establishes responsibility for states to clear weapons left behind and to warn populations of presence of weapons before clearance.

Table A.1 (Continued)

2003	First Biennial Meeting of States on POA Implementation	Meeting to exchange information and best practice of programs and initiatives from first two years of POA implementation.
2005	Second Biennial Meeting of States on POA Implementation	Meeting to exchange information and best practices of programs to combat the illicit spread of SALW and to identify areas in need of greater attention.
2005	UN Firearms Protocol	Commits signatories to adopting crime-control measures and strengthening national licensing procedures. Also requires adopting legislation to criminalize the illicit production and trade of firearms and the creation of effective marking and tracing of firearms.
2005	EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition	Builds on existing EU policies and places them under a common heading to provide a common response to problems and threats posed by illicit SALW trafficking. Reinforces the need for consistency between security and development policies.
2005	UN International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons	To enable identification and tracing of SALW and to promote international cooperation in marking and tracing.
2006	ECOWAS Convention on SALW, Their Ammunition, and Other Related Materials	Transform moratorium into a legally-binding convention.
2006	UN POA Review Conference	Follow-up to 2001 conference on implementation of POA. Consensus rules allowed a few states to block the development of an outcome document, although the POA continues to be in effect.
2006	UN Resolution to establish an Arms Trade Treaty (ATT)	Establishes formal process to begin negotiations on a legally binding ATT, including controls for human rights, peace and stability
2006-2007	UN Group of Governmental Experts on illicit arms brokering	Establish recommendations for UN steps to control international arms brokering
2008	UN Group of Governmental Experts on an ATT	Second formal step to establish scope of treaty in view of future negotiations
2008	UN Group of Governmental Experts on ammunition stockpile controls	Establish recommendations for UN
2008	EU Code of Conduct	Transformed from politically-binding to legally-binding Common Position

APPENDIX B

DATA SOURCES AND CODING

The following section describes the definitions, coding, and sources of the independent variables used in the statistical analysis, as well as the rationale behind their inclusion. In general, the independent variables have been chosen with the assistance of earlier quantitative and qualitative studies on the arms trade¹ and are intended to reflect the major political and economic influences on the transfer of conventional arms. At the same time, the study at hand is significantly broader than previous research, in terms of the number of exporting countries, the range and differentiation of conventional weapons, and the dependent variables considered. As such, it seeks to be as comprehensive as possible in its analysis, despite data problems inherent in this kind of research, which has long had to deal with difficulties of measurement and, with the independent variables specifically, traditions of state secrecy that have only begun to fade since the end of the Cold War.

1. *Countries*

The dataset contains exporter-importer dyad years from 1981 to 2004 for 189 importing/recipient countries (*cowcc2*) and 22 major conventional arms exporting countries (*cowcc*). The exporting countries include: Austria, Australia, Belgium, Bulgaria, Canada, China, Czech Republic (Czechoslovakia), France, Germany (West Germany), the Netherlands, Norway, Israel, Italy, Russia (Soviet Union), South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

¹ See, for example, Blanton (1999, 2001, 2005); Brzoska and Ohlson (1987); Neuman and Harkavy (1979); Pierre (1982, 1997); Sislin and Pearson (2001); Smith and Tasiran (2005)

2. *Embargo Variables*

Rather than multilateral agreements to control the arms trade in general, the most common form of conventional arms control over time has been national, regional, or international embargoes to prohibit the transfer of weapons to particular recipients. As discussed in the chapter, while the effectiveness of sanctions and embargoes has often been called into question, they are nevertheless the primary multilateral means states have used to control the flow of arms to certain conflict zones, human rights abusers, and other problematic areas around the world. However, as Smith and Tasiran (2005) observe, quantitative analyses of the arms trade lack a measure of export restraints. Similarly, Harkavy and Neuman (2001) note, “No comprehensive catalogue exists to document the number or kinds of sanctions actually applied by governments and to whom” (272). As a result, it was necessary both to research and assemble national and multilateral embargo information and to create an embargo measure for the purposes of this analysis, which covers the years 1981-2004 and 22 major exporters.

Fortunately, the Stockholm Peace Research Institute (SIPRI) now maintains an annually updated list of multilateral embargoes by international and regional organizations.² This list includes general descriptions of embargoes, the dates they are in effect, and any modifications over time for the United Nations (UN), European Union (EU), Organization for Cooperation and Security in Europe (OSCE), and other multilateral organizations. Unfortunately, SIPRI does not provide similar information on national embargoes, and to the knowledge of the author, no such comprehensive record exists. As a result, information on national embargoes was pieced together from

² Information on multilateral embargoes in place between 1998 and 2004 was retrieved on 25 April 2006 from <http://www.sipri.org>. For coverage of other years and additional information, see SIPRI (1992, 1999, and 2002). Although SIPRI does maintain general descriptions of national export control systems, also available on its website, it does not maintain a list of national embargoes.

a variety of sources, including *Jane's Defence Weekly* (1984-2005); LexisNexis and other news searches; academic books and articles³; and national bureaucracies, to the extent their websites were accessible and offered pertinent information. While many countries (e.g., Switzerland, the Czech Republic, Israel, and Norway, to name but a few) simply state that they comply with UN and relevant regional embargoes and do not publish a separate list of proscribed destinations, others, like the United States and United Kingdom, do make available their own embargo lists. The final list, shown in Table C.1 in Appendix C, represents an extremely thorough collection of multilateral and national embargoes for the exporters and years contained in this analysis. Nevertheless, low levels of coverage on national embargoes in public sources during the Cold War leaves a few unavoidable question marks in the assembled record. These cases are identified as such in the table and coded with appropriate caution.

Three embargo variables have been created from this new list: One for the level of embargo (*emlevel*), one identifying the type of embargo (*emtype*), and one indicating whether or not it is mandatory (*emmandatory*). *Emlevel* ranges from zero to three. Zero indicates the absence of an embargo and is the default value given for all recipient states in an exporter-importer-year, unless an embargo is in place, either from the exporter itself or through an international organization to which the exporter belongs. Where an embargo has been identified, a coding of one indicates that a single group, usually a rebel group, is the target of the embargo; two indicates all parties are covered but that specified military goods may still enter the country; and three indicates a full embargo for all weapons and all parties. *Emtype* is coded as one for national embargoes, two for international embargoes, and three when both national and international – or multiple international – embargoes have been identified. Finally,

³ Bohr (1993); Brzoska (2001); Brzoska and Pearson (1994); Croft (1996); Davis (2002); Hagelin (1990); Hirschhorn (2005); Hufbauer (1998); Hufbauer et. al. (1990); Kreuz (2005); Laurance (1992); Mastanduno (1992); Naylor (1999); and Pierre (1997).

emmandatory is coded zero if the embargo is voluntary and one if it is mandatory. For both of these last two variables, coding is provided only in exporter-importer-years where an embargo exists. All other country-dyad years are coded as missing data. These variables can be used in connection with the primary embargo variable, *emlevel*, to explore the effects of different types of embargoes.

3. *Military Expenditures*

Military expenditure data for importing countries is available both as an absolute expenditure, given in 2003 constant US dollars (*milexpusd*) and exchange rates, and as a ratio of gross domestic product (*milexpgdp*). Both of these values are provided by the SIPRI Military Expenditures Database, which is updated annually.⁴ SIPRI bases its data on open sources only and uses official data as much as possible (SIPRI 2006). The database covers 1988-2004, with the exception of missing data, often due to conflict in the country in question or because of poor data availability. The database, however, does not provide data for earlier years. Pre-1988 figures for *milexpusd* are available from SIPRI (1989) but cannot be combined with later years, given changes in exchange rates and currency values.⁵ As a result, only *milexpgdp* is extended back to 1981 and used in the full scope regressions covering all years between 1981-2004.

As SIPRI (2006) states, “military expenditure data provides an easily identifiable measure of the scale of resources absorbed by military activities.” Thus while this measure does not provide an estimate of a country’s military capability, it does suggest an estimate of the resources available to an importer to obtain weapons.

⁴ See <http://www.sipri.org>. The data used in this analysis was accessed from SIPRI’s FIRST database between April and June 2006. As of June 2007, SIPRI provides its data in US dollars at constant 2005 prices and exchange rates.

⁵ This data is given in US dollars at constant 1986 prices and exchange rates. SIPRI (2006) explicitly cautions against combining data from previous volumes because of revisions to data over time.

This is particularly useful in considering the weight of economic motives for exporters: An importer with greater military resources available to it would, from an economic point of view, be a stronger market for weapons sales than one with a minimal military budget.

4. *GDP per Capita*

Two variables for GDP per capita are provided in the dataset. The first, *ungdpcap*, comes from the National Accounts Main Aggregates Database maintained by the United Nations Statistics Division (UNSD 2006). The second, *pwtgdpcap*, comes from the Penn World Tables (Heston et. a. 2002). Because the former is more comprehensive in terms of both countries and years covered, it is used in the analysis here. The correlation between the two measures, however, is quite high (0.9389). The inclusion of GDP per capita provides a broader measure of a recipient country's wealth and thus is another indicator of potential resources available for arms procurement. A profit-oriented producer would have a greater interest in trading with a wealthier country.

5. *Democracy*

Democracy is an important component of the analysis: Not only is the spread of democracy (by soft or hard means) often a foreign policy priority for many democratic governments, but it is also thought that democracies share a closer relationship in the international community, suggesting that arms trade between democracies would be higher. The variable *polity2*, taken from the Polity IV Project dataset, is used to indicate the level of democracy in the recipient state.⁶ It represents

⁶ Polity IV Dataset Version 2003 (Marshall and Jaggers 2005a) was accessed in May 2006 for exporter-importer-years 1981-2003. In 2007, Polity IV was updated in Dataset Version 2004 (Marshall and

a scale of government types from strongly autocratic (-10) to strongly democratic (+10), based on weighted assessments of criteria including the competitiveness of political participation and executive recruitment, the openness of executive recruitment, and constraints on the chief executive.⁷ Although there is a long-standing debate about how democracy can best be defined and measured in qualitative and quantitative research alike,⁸ the Polity Project provides the most widely accepted and most comprehensive data available on democracy. Moreover, it presents a number of strengths outlined by Munck and Verkuilen (2002).

A second, alternate measure of democracy, using the political rights (*fhpr*) and civil liberties (*fhcl*) variables from Freedom House's Freedom in the World Country Ranking,⁹ is also included in the dataset. Based on a checklist of 10 political rights and 15 civil liberties, each variable is awarded an annual score from 1-7. Scores of 5.5-7.0 are ranked as "not free," 3.0-5.0 are "partly free," and 1.0-2.5 are "free." Freedom House measures "the wider state of freedom in a country or territory, reflecting both governmental and non-governmental constraints" (Freedom House 2007). Moreover, it does not measure democracy per se, but rather "rights and freedoms integral to democratic institutions" (Freedom House 2007), while limiting its analytical usefulness by including a broad checklist of freedoms only indirectly related to democracy, such as socioeconomic rights and freedom from war (Munck and Verkuilen 2002: 9, 14). For these reasons, in addition to methodological difficulties suggested by Munck and Verkuilen (2002), it is not used as the primary democracy measure in the statistical analysis presented here. However, additional regressions

Jagers 2005b) to include 2004. This updated data was accessed in June 2007 and added to the Arms Transfers Dataset for exporter-importer-year 2004.

⁷ Coding of autocracies also includes an assessment of the regulation of participation.

⁸ See, for example, Bollen (1993); Bollen and Paxton (2000); Collier and Levitsky (1997); Collier and Mahon (1993); Diamond (2002); Foweraker and Krznaric (2000); Munck and Verkuilen (2002); Schaffer (1998); Schmitter et. al. (1991).

⁹ Retrieved in May 2006 from <http://www.freedomhouse.org>.

substituting *fhpr* and *fhcl* for *polity2* indicate patterns generally similar to results obtained with Polity IV, in which democracy is significantly related to arms transfers, and do not notably alter relationships for the other independent variables.

6. *Human Rights*

A key independent variable in this analysis is the human rights condition in the recipient country, which is at the heart of evolving standards of national and multilateral export controls. Yet both *whether* human rights matter in arms transfer decision-making and, if yes, *how* they matter remain open questions.¹⁰ As with the measurement of democracy, there is a long-standing debate about the definition, measurement, and quality of human rights variables in quantitative analyses.¹¹ Indeed, even the fundamental question of how to define human rights is both methodologically and politically sensitive. However, the majority of analyses focus on physical integrity rights, based on annual country reports published by the U.S. Department of State and Amnesty International and are similarly affected by historical problems of under-reporting and access to data. As a result, although recent data benefits from improved reporting, data from the 1980s in particular should be noted with greater caution.

In this analysis, I employ the Political Terror Scale (PTS), which ranks states annually based on both of these reports and provides a score from one to five for each country since 1980 (Gibney & Dalton 1996). Like any human rights data, PTS is “inherently subjective,” yet as the Human Security Centre (2005) notes, “in the absence of any other data, [it] sheds much-needed light on a murky corner of human insecurity” (79). It also has the benefit of being the most comprehensive for years and

¹⁰ In the case of the United States, Shannon Lindsey Blanton (2005) finds that human rights do factor into post-Cold War arms transfers, but as outlined in the chapter, her analysis does not expand beyond the United States as an exporter and perhaps biases its results in the research design.

¹¹ See, for example, Banks (1986); Carleton and Stohl (1987); Cingranelli and Richards (1999a, 1999b); Goldstein (1986); Human Security Centre (2005); Poe et. al. (2001); and Stohl et. al. (1986).

countries and includes separate variables for Department of State (here: *ptsdos*) and Amnesty International (here: *ptsai*) reports (Poe et. al. 2001: 658). Gibney and Dalton (1996) set out their rules for coding as follows:

- Level 1: Countries...under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional...Political murders are extraordinarily rare.
- Level 2: There is a limited amount of imprisonment for nonviolent political activity. However, few are affected, torture and beatings are exceptional...Political murder is rare.
- Level 3: There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without trial, for political views is accepted...
- Level 4: The practices of the Level 3 are expanded to larger numbers. Murders, disappearances, and torture are a common part of life...In spite of its generality, on this level violence affects primarily those who interest themselves in politics or ideas.
- Level 5: The violence of Level 4 has been extended to the whole population...The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals (73-74).

Overall, State Department data covers more countries than Amnesty data, and the correlation between *ptsdos* and *ptsai* (0.8059) is relatively high but by no means perfect. In general, Ron et. al. (2005) conclude that “information politics” and “pragmatic strategizing” lead Amnesty International’s reporting, like that of other transnational NGOs, “to devote more attention to some areas than others” (575-6). It should also be noted that with both of these sources, political bias may be present. As Foweraker and Krznaric (2000) observe, State Department reports may be biased against left-wing governments, while Amnesty International reports are more apt to be biased in favor of them (768). Similarly, Poe et. al. (2001) find that, early in the series,

“the State Department [is] less stern than Amnesty toward governments friendly to the United States” (669), while “the US has tended to be somewhat less harsh than Amnesty in evaluating the human rights practices of other governments” (661). At the same time, Poe et. al. find only a low proportion of variance between the sources explained by these biases and state with relief that “we have absolutely no reason to believe that the vast majority of the differences between the reports are systematic” (670).

Unlike Blanton, however, I create a dummy variable for each of the five levels of the PTS scale, ranging from “very good” to “very bad.” I use a worst-case scenario version of the data in the analysis, in which points of disagreement between DOS and Amnesty falling between points on the PTS scale (1.5, 2.5, 3.5, or 4.5) are coded downward to provide a more difficult bar by which to examine the effects of human rights conditions in a recipient state. As a robustness check, I also run best-case scenario data, in which scores are coded upward. This allows me to investigate export behavior at each level of PTS score and, in the process, gain a more fine-grained understanding of state behavior. Because the PTS scale is ordinal rather than continuous, this treatment of the data is also more accurate and technically correct, although overlooked by most scholars.¹² That is, there is no reason to assume that the shift from level one to level two is the same as from level two to level three, and so on (Wooldridge 2000: 221-4).

¹² For a rare exception, see Carey (2007). Berthélemy (2006) uses a similar approach to Freedom House data.

7. *Conflict*

The response of exporting states to conflict in a potential importing state is a central focus of the present analysis. On the one hand, conflict increases the demand for weapons and therefore opens or widens the market for arms transfers. Moreover, an exporting country may decide to provide arms as an expression of political support for one side or another. On the other hand, arms embargoes, codes of conduct, and other articulations of standards for “responsible” arms transfers suggest that exports to states engaged in conflict should be limited. Although many datasets are available focusing primarily either on civil war or interstate conflict,¹³ the widely-used Uppsala/PRIO Armed Conflict Dataset (Gleditsch et. al. 2002) has been chosen as the most comprehensive in terms of types of conflict and years covered. It also provides a more thorough approach to measuring conflict, by including both high- and low-intensity conflict (Human Security Centre 2005: 18-20).

Uppsala/PRIO annually codes four different types of conflict, which are included as separate variables in the arms transfers dataset: extra-state conflict (*ct1*), interstate conflict (*ct2*), internal conflict (*ct3*), and internationalized conflict (*ct4*).¹⁴ This differentiation is extremely important, especially because, since the end of the Cold War, the vast majority of conflicts have taken place within states and not between them (Human Security Centre 2005: 18). Moreover, it is possible that states respond to different types of conflict with their arms transfers in different ways. As the main types of conflicts in international affairs, the primary conflict variables of interest in this study are interstate and internal conflict.

¹³ For a discussion of the difficulties of coding conflict data and the merits and drawbacks of various datasets, see for example, Hegre and Sambanis (2006); Human Security Centre (2005); and Sambanis (2004).

¹⁴ An extra-state conflict involves a state and non-state group outside the state’s own territory. An interstate conflict takes place between at least two states. An internal conflict is between a state’s government and internal opposition groups, without external intervention, while an internationalized conflict is an internal conflict with intervention from other states (Gleditsch et. al. 2002).

The intensity of conflict for each type is based on the number of battle-related deaths each year: Zero (no conflict); one (minor; at least 25 military or civilian battle-related deaths in a year); and two (war; minimum 1000 battle-related deaths per year).¹⁵ Thus the analysis can track trends in arms transfers to different types of conflict, as well as how behavior might change as conflict increases or decreases in intensity. For the same reasons the ordinal human rights variable is used as a dummy variable for each score level, so too is the data for internal conflict broken down into dummy variables for each level of conflict.

8. *Alliance Variables*

The arms trade between allies is, not surprisingly, anticipated to be quite strong. Not only is interoperability for joint operations a practical concern between alliance members, but also often share a comparatively close relationship in the international system, of which significant arms trade can be an expression. Two alliance variables are commonly used in statistical analyses, and both are included in this dataset for each exporter-importer-year. First, the Correlates of War (COW) formal alliance variable (*cowally*) is coded from zero to three, describing the type of alliance commitment in each alliance-year: One represents a defensive alliance, two indicates neutrality or non-aggression, and three represents entente (Gibler & Sarkees 2004). However, since COW only records alliances through the year 2000, a second alliance variable (*atopally*) from the Alliance Treaty Obligations and Provisions Project (ATOP), is used instead. ATOP data is available through 2003 and codes the existence of a formal alliance between two countries in each year as one and the

¹⁵ Correlates of War data traditionally only includes this high-level intensity of conflict (1000 battle-related deaths per year). However, there is some uncertainty about the continued use of this assumption (Sambanis 2004: 817).

absence of alliance as zero (Leeds 2002). Finally, a variable for membership in the recent Iraq War coalition was created (*iraqally*) and included in the dataset for the years 2003-2004. However, it is dropped from the analysis because of too few observations.

9. *Colony*

To determine whether former colonies, like allies, might receive special treatment in the arms trade, a dummy variable (*colony*) is included in the analysis. Importers that were once colonial possessions of the exporting state are coded as one for all years. It is, of course, possible that an importing country be a former colony of more than one exporting state. Andorra, for example, was at one time both a possession of France and Spain and is therefore coded as one for export-import dyads with both countries.

10. *Oil Production*

It has often been suggested that major oil producers are privileged recipients on the arms market. This was particularly the case during the oil crisis of the 1970s, which increased the resources available to oil producing states to buy arms and the desire of arms supplier states to sell them (Ball & Leitenberg 1979: 528; Beker 1982; Brzoska & Ohlson 1987: 36; Cahn et al. 1977; Catrina 1988: 79, 80; Chatillon 1983; Gharehbaghian 1987; Klare 1984; Kolodziej 1987; Painter 1992; Sadowski 1993; Snider 1984; Wulf 1987). Steve Chan (1980), for example, finds evidence that from 1971 to 1976 “the major fuel consumers [sold] more weapons and the major fuel producers [bought] more weapons” (243). This suggested relationship has endured beyond the Cold War as an influential factor in the foreign policies of major powers in the Middle East (Khanna & Chapman 2005; See also Chapman & Khanna 2006). As

one report states, “Successive U.S. Administrations have entered into military sales agreements with Saudi Arabia because of its prestige in the Arab world, its importance as a major source of oil, and its vulnerability to threats from neighboring states supported in the past by the Soviet Union” (Prados 2002: 9).

First, oil is a lucrative resource. It can raise the income of producing states and thus increase their ability to purchase arms (Brzoska & Ohlson 1987: 36; Gharehbaghian 1987; Pearson 1994: 30; Sadowski 1993; Wulf 1987: 193). Due to insecurity and border control issues, oil-producing states in the Persian Gulf in particular may have an additional security interest in purchasing arms (Chapman & Khanna 2006). Second, oil is thought to be a significant reason that major powers have sought favorable relations in the Middle East – often, it is alleged, at the expense of human rights, democratic values, and regional stability (Beker 1982; Cahn et al. 1977; Chatillon 1983; Klare 1984; Phythian 1997a; Sadowski 1993). Arms transfers have long been an important means of cultivating good relationships with interested countries. Oil production is therefore included in the analysis as a single variable (*oilprod*) taken from Gerring et. al’s (2005) Centripetalism dataset, which provides data on millions of barrels of oil produced per day per capita (*Oil_production_MH_pc*).

11. *Population*

Larger states are more likely to have larger militaries and invest more in defense. Some research also suggests that larger states may also be more prone to internal conflict (Choucri 1984; Ehrlich & Ehrlich 1990; Hauge & Ellingsen 1998; Hirshleifer 2001; Homer-Dixon 1994; Kamiya & Wils 1998; Kaplan 1994; Tir & Diehl 1998). In contrast with small or microstates, they are therefore also more likely to import arms. As a proxy for state size, population (*pop*) is included as a control

variable to ascertain whether and how this assumption holds. The data for all countries is taken from US Census Bureau statistics.

12. *Transparency and Reliability*

Although not independent variables, basic variables connected to the quality of the arms transfer data have been included in the dataset to allow for the sorting of data based on records of state transparency. As discussed in the chapter, data on arms transfers has historically been a matter of secrecy for most states. It has only been with the end of the Cold War and the initiation of the United Nations Register of Conventional Arms in 1992 that export and import transparency has become more widespread, especially among western democracies. Thus, even though SIPRI conducted extensive tracking of major conventional arms sales since 1950, states themselves for the most part did not regularly collect or release information on their arms trade.¹⁶ Moreover, as the Small Arms Survey (2001) notes, “Small arms were almost completely overlooked in Cold War discussions of peace and security so governments had little reason to gather or reveal statistics on them” (60). Nevertheless, even with dramatic increases of transparency in the past ten years, the records of many states remain poor and the data on their arms exports less reliable. In general, democracies tend to be more likely to participate in information-sharing measures on their arms transfers (Lebovic 2006: 559).

No single variable or measure exists for arms export transparency. The Small Arms Survey now maintains a transparency barometer calculating transparency scores for major exporters back to 2001, based on a range of criteria (Small Arms Survey 2004, 2005, 2006).¹⁷ However, it is only available for a limited number of

¹⁶ Austria, Sweden and the United States are the exceptions to this norm.

¹⁷ While the original transparency score was out of 20 points total, in 2006, it was increased to 25 points, making cross-time analysis more difficult.

years, after state reporting had become relatively widespread. Thus, Small Arms Survey barometers are heavily consulted for recent years but not the sole source of coding for these variables. In addition, UN Register participation over time is examined (Lebovic 2006; UNODA 2006), as well as qualitative assessments of states' national reporting practices (Haug et. al. 2002; Mariani & Urquhart 2000; Small Arms Survey 2001-2006). If states are described as have comparatively thorough reporting practices for SALW, it is assumed that so too is their provision of information on major conventional weapons strong; the latter is already a better established practice in national and multilateral fora.

Two variables are included in the arms transfer dataset to address these issues. First, *transparent* is coded from zero (no transparency) to two (strong transparency), with one representing partial transparency. Participation in the UN Register is the minimal requirement for exporting states to receive a one. Quality of national reports, as given by descriptive accounts and SAS barometers consulted, can raise increase scores to "strong." However, states such as China and Bulgaria, which provide no national data but have submitted some reports to the UN Register, continue to receive zero or one rankings in relevant years. Second, *reliable* is simply coded as one if *transparent* is greater than zero and zero if *transparent* is equal to zero.

APPENDIX C

SUPPLEMENTARY STATISTICAL RESULTS

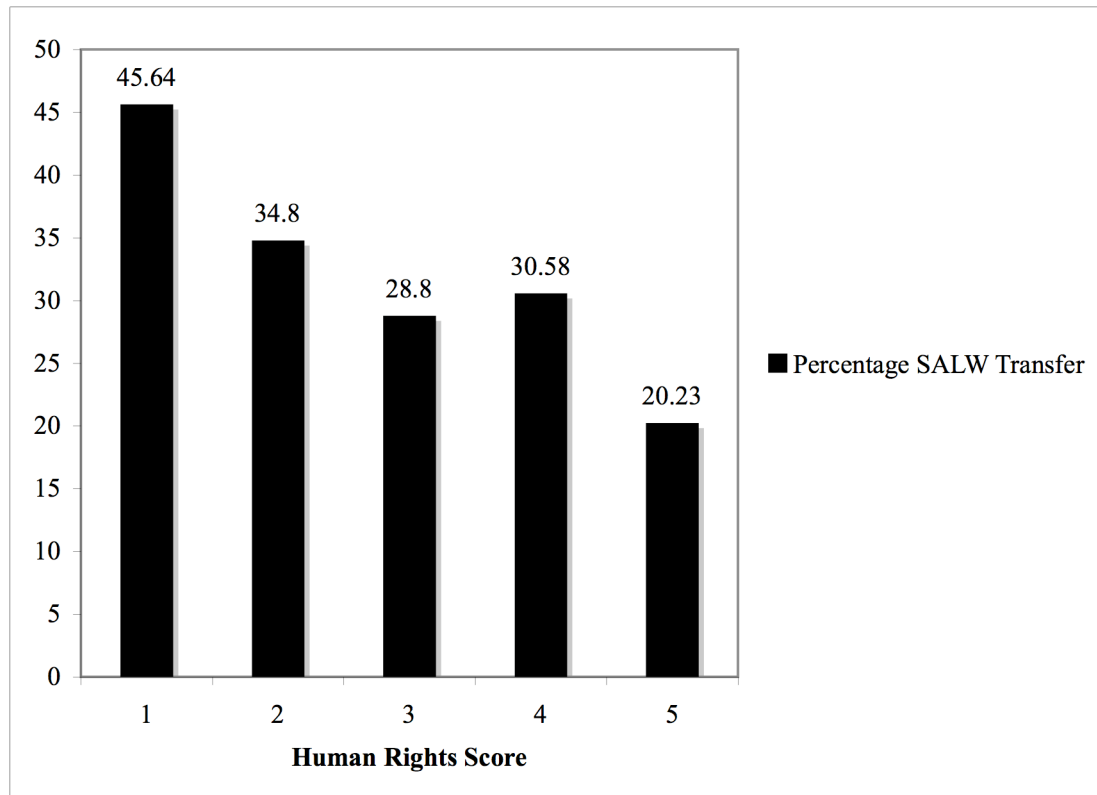


FIGURE C.1. Percentage of SALW Transfers by Human Rights Score, Full Sample

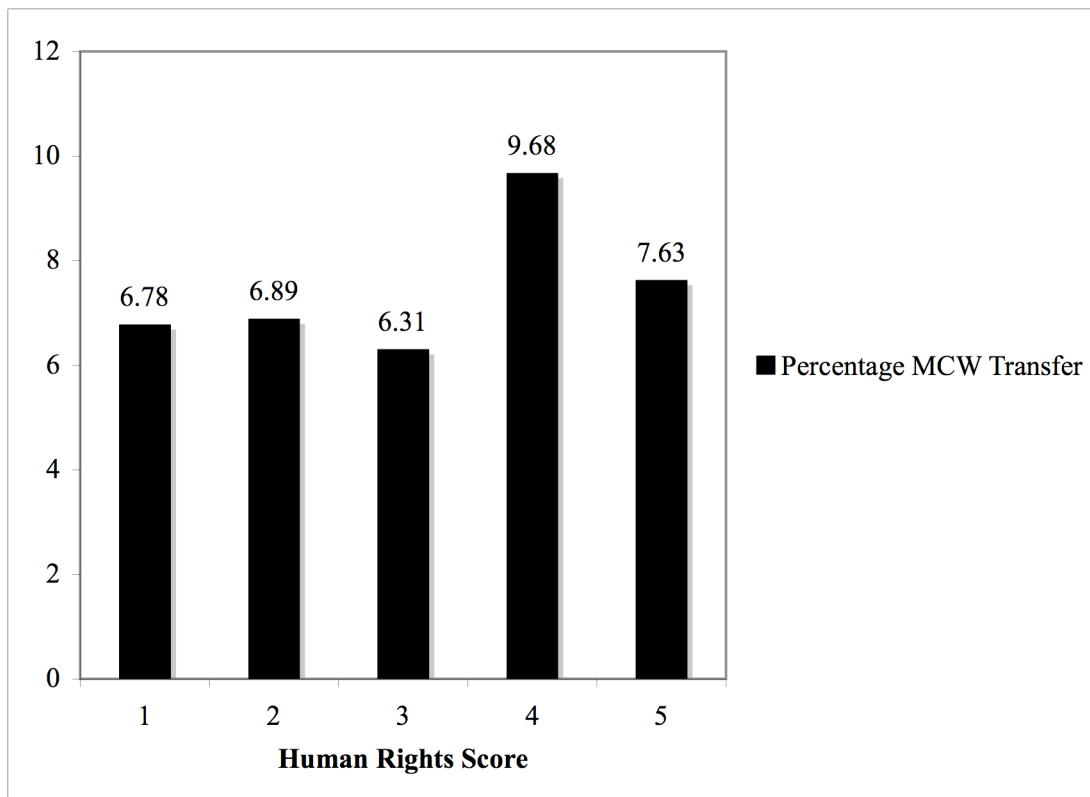


FIGURE C.2. Percentage of MCW Transfers by Human Rights Score, Full Sample

TABLE C.1. Influence of Human Rights on SALW Transfers, Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.0002** (8.79e-06)	.0001** (.00002)	.0002** (.00001)	.0003** (.00002)	.0002** (.00001)
Democracy	.088** (.003)	.066** (.008)	.09** (.006)	.111** (.008)	.092** (.009)
Internal Conflict (Low)	-.001 (.058)	.285* (.140)	.047 (.076)	.181 (.112)	.004 (.127)
Internal Conflict (High)	-.362** (.075)	-.057 (.175)	-.056 (.112)	-.354* (.164)	.537 (.184)
Human Rights (Good)	.067 (.066)	-.156 (.143)	-.012 (.087)	-.023 (.119)	.138** (.140)
Human Rights (Average)	.28** (.072)	.025 (.157)	.361** (.095)	.437** (.137)	.268 (.151)
Human Rights (Bad)	.235** (.080)	.088 (.176)	.212* (.107)	.446** (.155)	.226 (.171)
Human Rights (Very Bad)	-.118 (.094)	-.155 (.207)	-.025 (.128)	.359* (.179)	-.159 (.215)
Constant	-2.482** (.085)	-2.858** (.161)	-2.619** (.107)	-3.193** (.142)	-2.363** (.162)
Wald chi2	1282.79	153.48	708.04	501.42	324.69
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	3141	2457	3119	3053	2855
Obs	60206	21475	38731	19120	19611

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.2. Influence of Human Rights on MCW Transfers, Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
GDP/Capita	.001** (.0001)	.001** (.0002)	.0009** (.0001)	.001** (.0002)	.0007** (.0001)
Democracy	-.183** (.048)	-.009 (.124)	-.08 (.051)	-.050 (.067)	-.094 (.073)
Internal Conflict (Low)	1.887 (1.247)	3.507 (3.101)	.575 (1.162)	1.414 (1.585)	-.568 (1.739)
Internal Conflict (High)	7.906** (2.143)	7.348 (3.917)	3.358 (2.011)	1.997 (1.906)	5.649 (4.237)
Human Rights (Good)	2.212** (.575)	5.702** (1.263)	1.649** (.536)	2.779** (.840)	1.021* (.489)
Human Rights (Average)	6.435** (.697)	13.171** (1.579)	3.916** (.669)	5.561** (1.195)	3.116** (.657)
Human Rights (Bad)	9.544** (1.119)	17.286** (2.886)	8.224** (1.209)	8.352** (1.381)	8.832** (1.889)
Human Rights (Very Bad)	6.350** (1.699)	20.295** (4.042)	3.967** (1.358)	4.226** (1.478)	4.319 (2.68)
Constant	-2.060** (.583)	-4.402** (.883)	-2.084** (.667)	-3.252** (1.004)	-1.732* (.847)
Wald chi2	267.11	190.15	109.51	63.13	63.67
R ²	0.0049	0.0060	0.0056	0.0082	0.0049
Dyads	3141	2457	3119	3053	2855
Obs	60206	21475	38731	19120	19611

* Significant at the .05 level; ** Significant at the .01 level

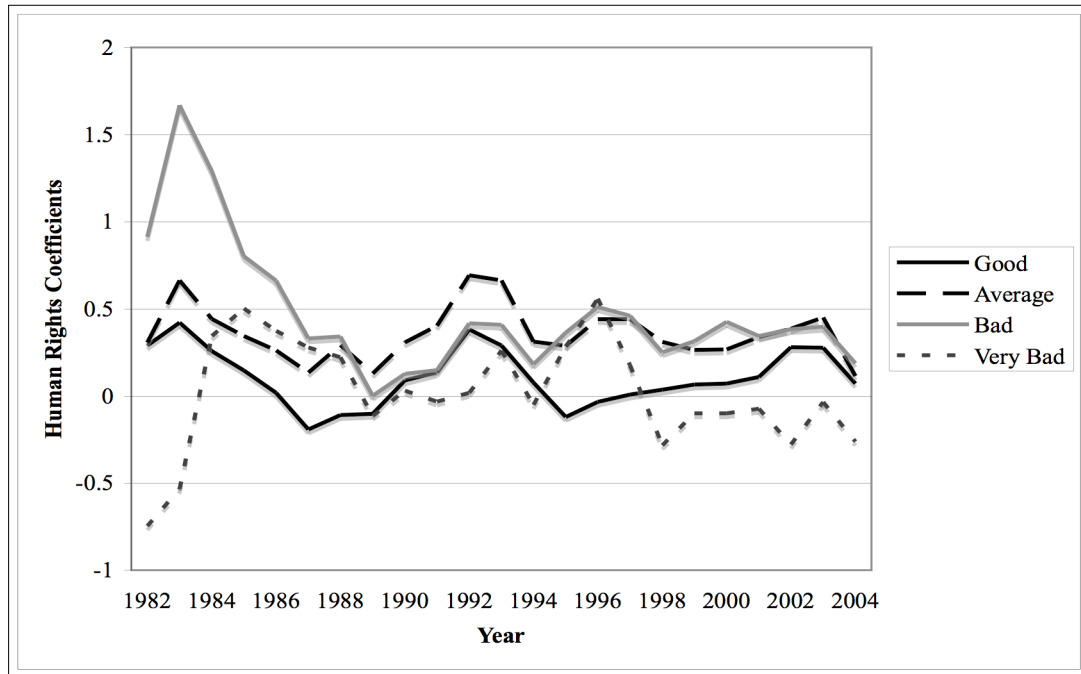


FIGURE C.3. Moving Windows, All Human Rights and SALW Transfers, Full Sample

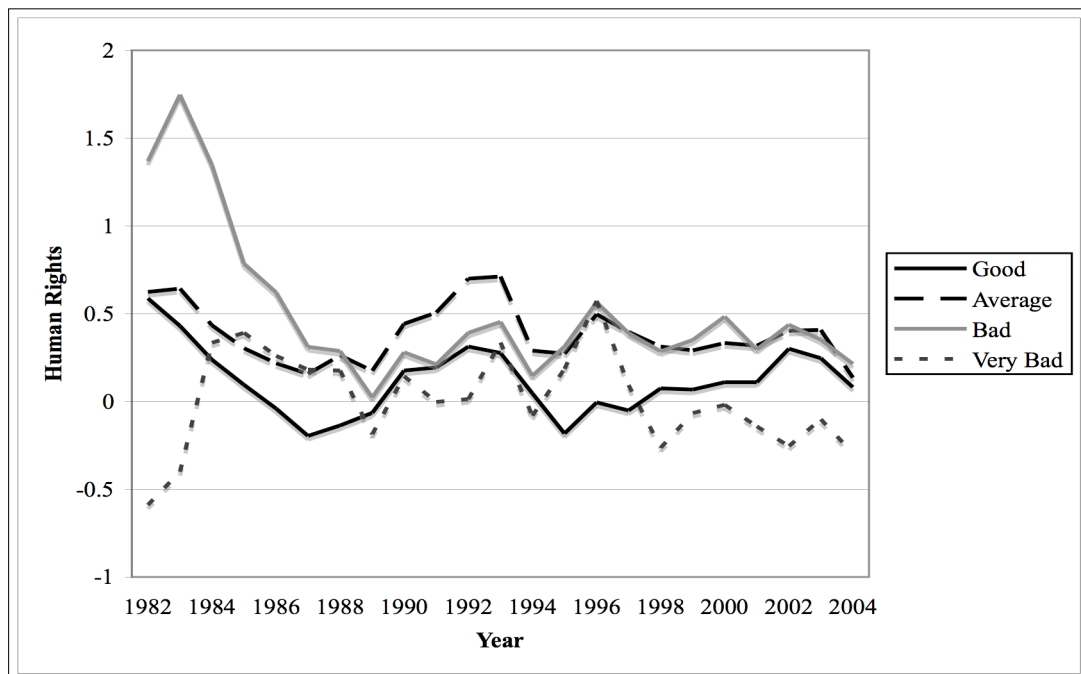


FIGURE C.4. Moving Windows, All Human Rights and SALW Transfers from Democratic Exporters to Non-OECD Recipients

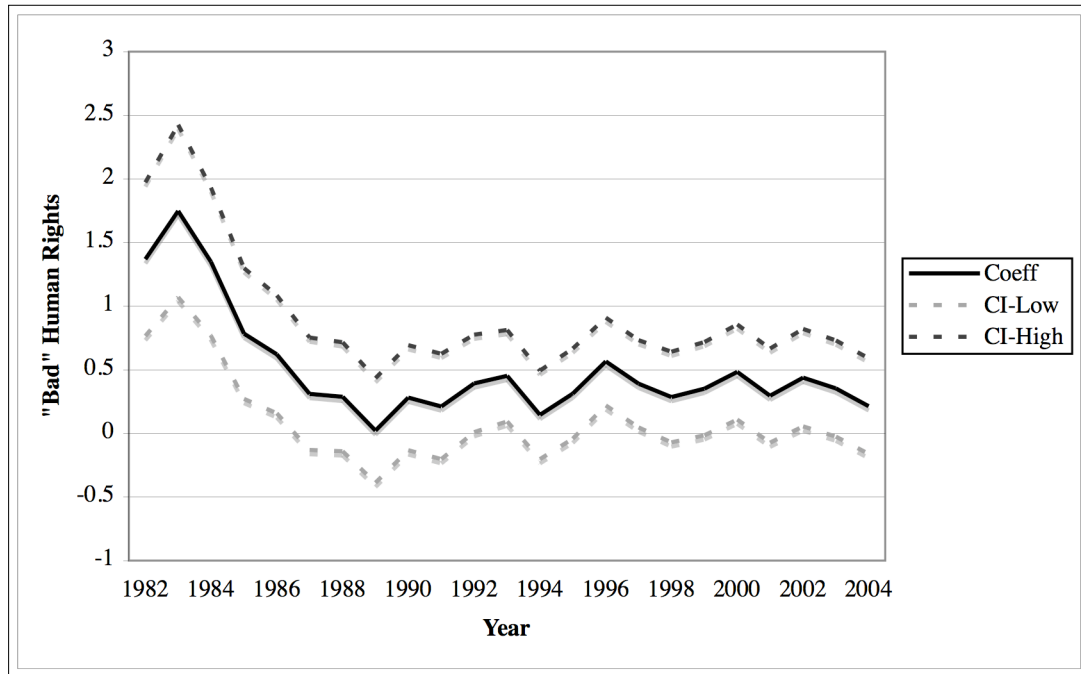


FIGURE C.5. Moving Windows, “Bad” Human Rights and SALW Transfers from Democratic Exporters to Non-OECD Recipients

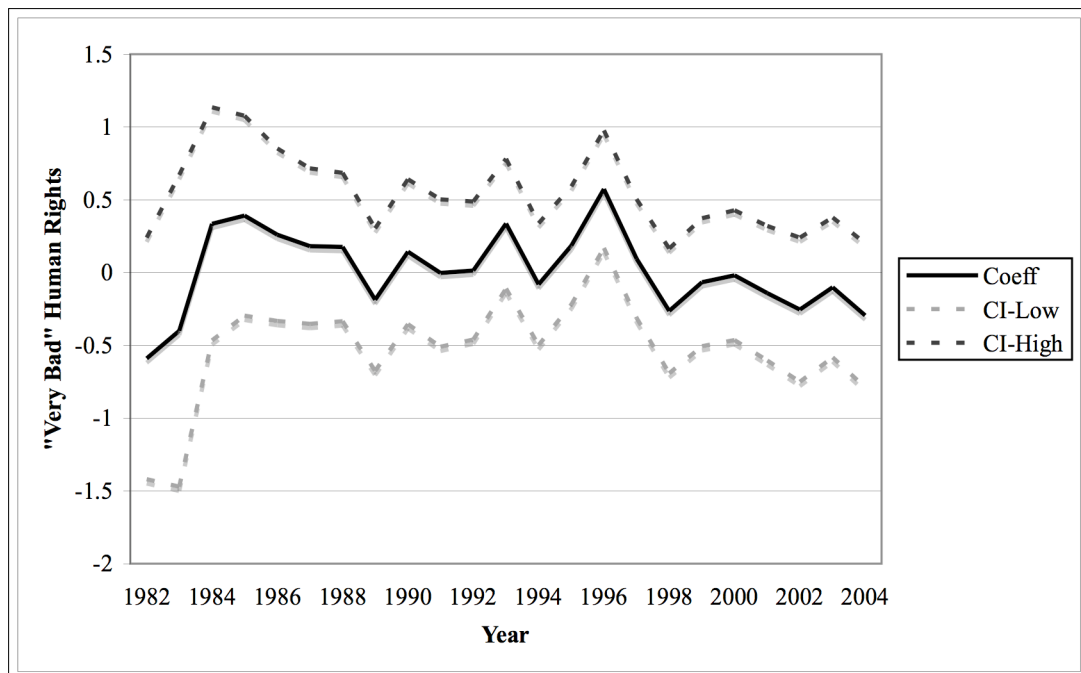


FIGURE C.6. Moving Windows, “Very Bad” Human Rights and SALW Transfers from Democratic Exporters to Non-OECD Recipients

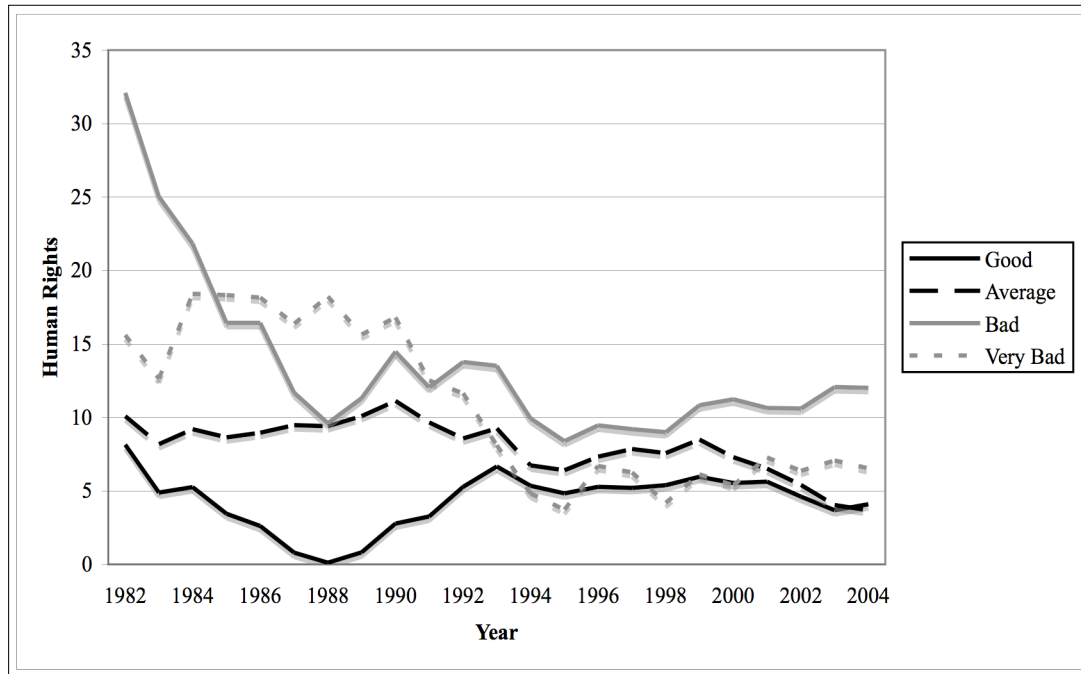


FIGURE C.7. Moving Windows, All Human Rights and MCW Transfers, Full Sample

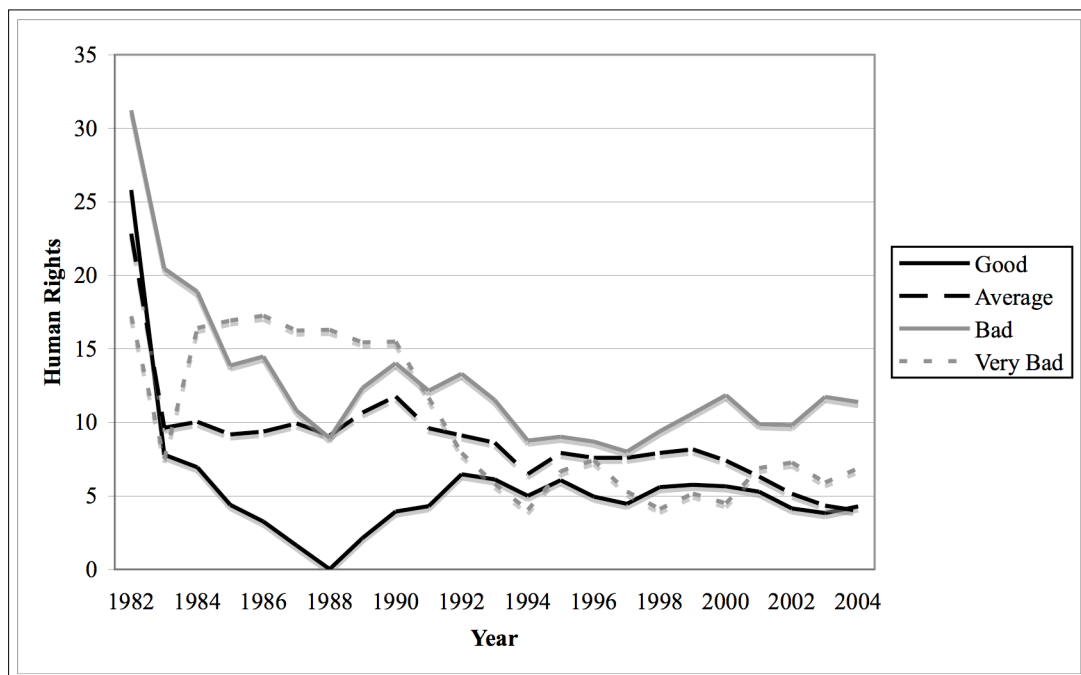


FIGURE C.8. Moving Windows, All Human Rights and MCW Transfers from Democratic Exporters to Non-OECD Recipients

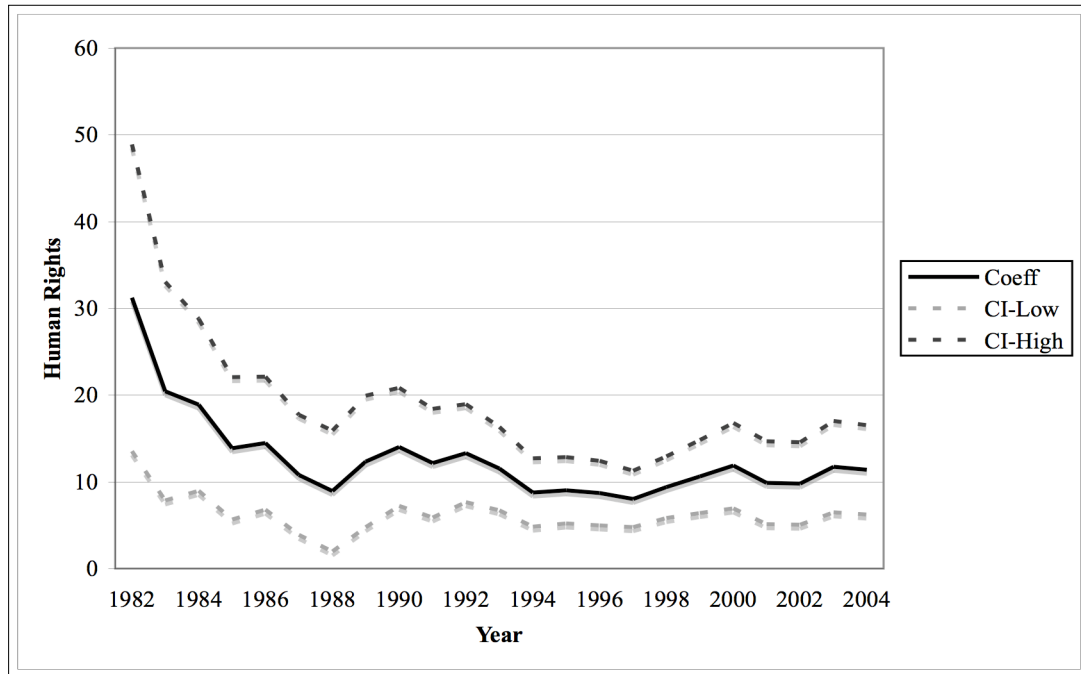


FIGURE C.9. Moving Windows, “Bad” Human Rights and MCW Transfers from Democratic Exporters to Non-OECD Recipients

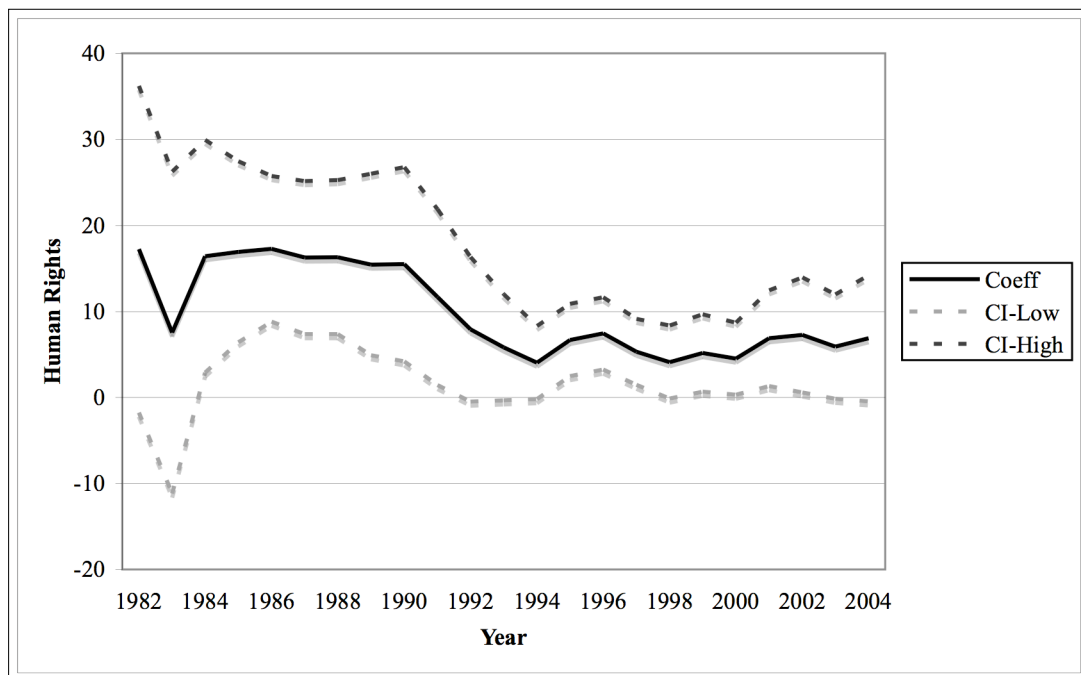


FIGURE C.10. Moving Windows, “Very Bad” Human Rights and MCW Transfers from Democratic Exporters to Non-OECD Recipients

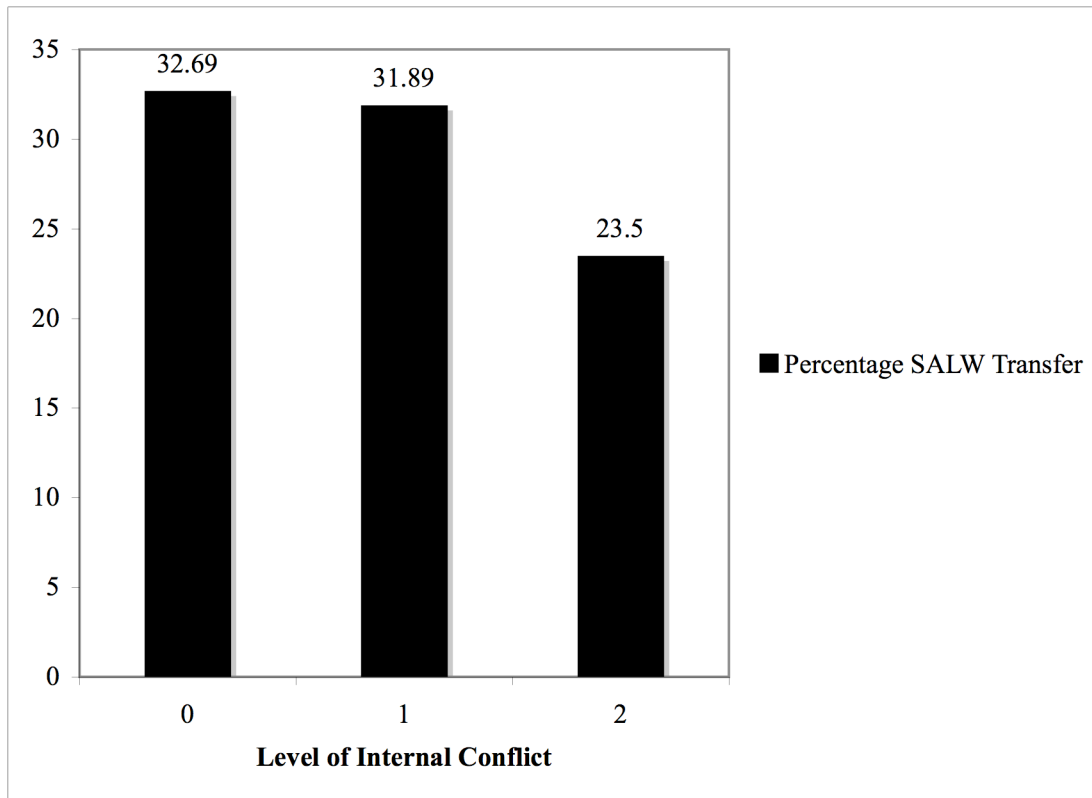


FIGURE C.11. Percentage of SALW Transfers by Level of Internal Conflict, Full Sample

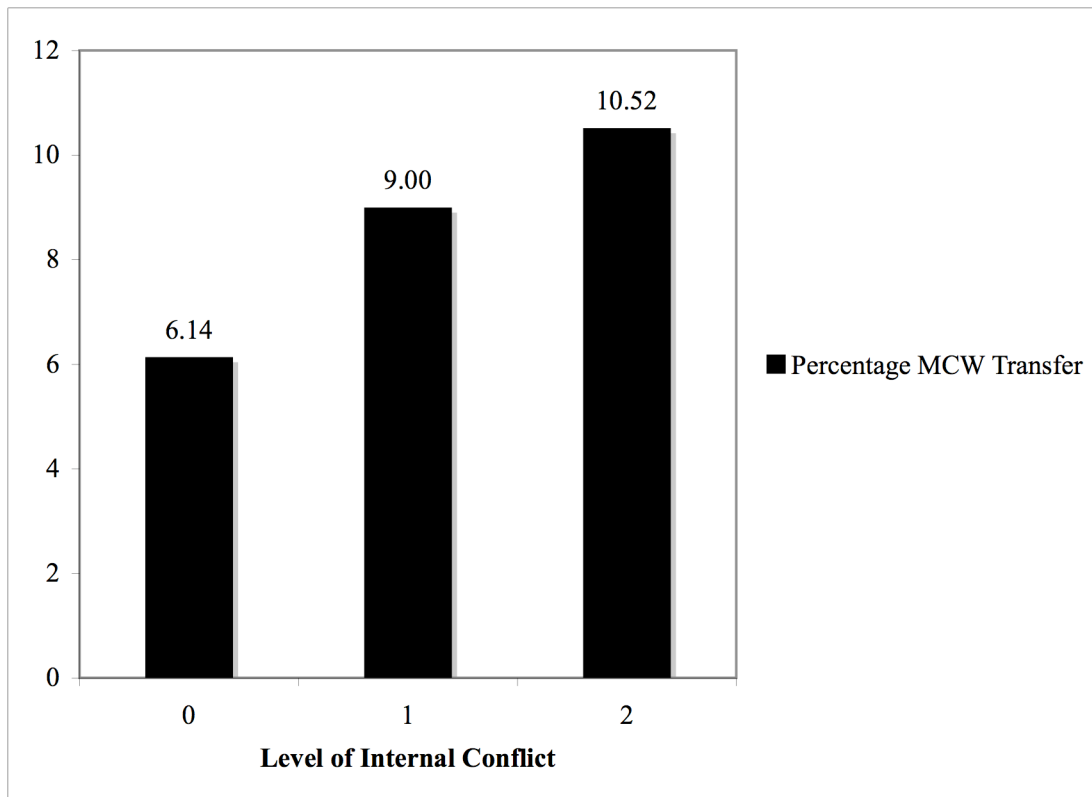


FIGURE C.12. Percentage of MCW Transfers by Level of Internal Conflict, Full Sample

TABLE C.3. Influence of Internal Conflict on SALW Transfers to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Exp	-.051** (.006)	.020 (.012)	-.05** (.008)	-.049** (.010)	-.039** (.015)
GDP/Capita	.0002** (9.81e-06)	.0001** (.00002)	.0003** (.00001)	.0003** (.00002)	.0002** (.00002)
Population	4.54e-09** (2.70e-10)	2.93e-09** (6.51e-10)	4.10e-09** (3.59e-10)	3.24e-09** (4.57e-10)	3.84e-09** (4.53e-10)
Internal Conflict (Low)	.027 (.059)	.504** (.151)	.067 (.076)	.275* (.112)	-.217 (.126)
Internal Conflict (High)	-.692** (.077)	-.184 (.189)	-.245* (.112)	-.409* (.163)	.096 (.181)
Constant	-2.255** (.068)	-3.208** (.112)	-2.192** (.080)	-2.499062 .0951221	-1.845** (.099)
Wald chi2	.	81.13	548.52	312.44	264.60
Prob > chi2	.	0.0000	0.0000	0.0000	0.0000
Dyads	3143	2457	2903	2771	2613
Obs	48444	16150	32294	15873	16421

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.4. Influence of Internal Conflict on SALW Transfers from Democratic Exporters to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Exp	-.042** (.006)	.018 (.013)	-.046** (.009)	-.046** (.010)	-.045** .0163846
GDP/Capita	.0002** (.00001)	.0002** (.00002)	.0003** (.00001)	.0003** (.00002)	.0003** (.00002)
Population	4.04e-09** (3.83e-10)	2.44e-09** (7.03e-10)	4.01e-09** (4.09e-10)	3.15e-09** (4.92e-10)	4.08e-09** (4.86e-10)
Internal Conflict (Low)	.045 (.066)	.577** (.169)	.140 (.084)	.28* (.121)	-.134 (.138)
Internal Conflict (High)	-.636** (.086)	-.072 (.209)	-.238 (.125)	-.466** (.177)	.064 (.199)
Constant	-2.146** (.075)	-2.589** (.124)	-2.260** (.087)	-2.383** (.102)	-1.912** (.109)
Wald chi2	568.34	81.23	452.25	275.34	254.93
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2787	1932	2630	2403	2258
Obs	38793	11182	27611	13420	14191

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.5. Influence of Internal Conflict on MCW Transfers to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Exp	.989** (.103)	2.321** (.31)	.326** (.073)	.328* (.133)	.262** (.075)
GDP/Capita	.0007** (.0001)	.0003 (.0002)	.0009** (.0001)	.001** (.0002)	.0007** (.0001)
Population	6.54e-08** (1.12e-08)	1.42e-07** (3.79e-08)	5.41e-08** (1.09e-08)	3.82e-08** (8.47e-09)	6.75e-08** (1.93e-08)
Internal Conflict (Low)	1.376 (1.144)	-3.245 (2.452)	1.971 (1.127)	3.073 (1.622)	.756 (1.589)
Internal Conflict (High)	4.512* (2.124)	3.971 (3.537)	.431 (1.917)	.131 (1.61)	.405 (4.030)
Constant	-1.58** (.479)	-3.854** (1.313)	-1.313** (.426)	-.684 (.645)	-1.767** (.569)
Wald chi2	178.69	84.33	92.87	58.08	41.92
R ²	0.0196	0.0295	0.0223	0.0153	0.0314
Dyads	3143	2457	2903	2771	2613
Obs	48444	16150	32294	15873	16421

* Significant at the .05 level; ** Significant at the .01 level

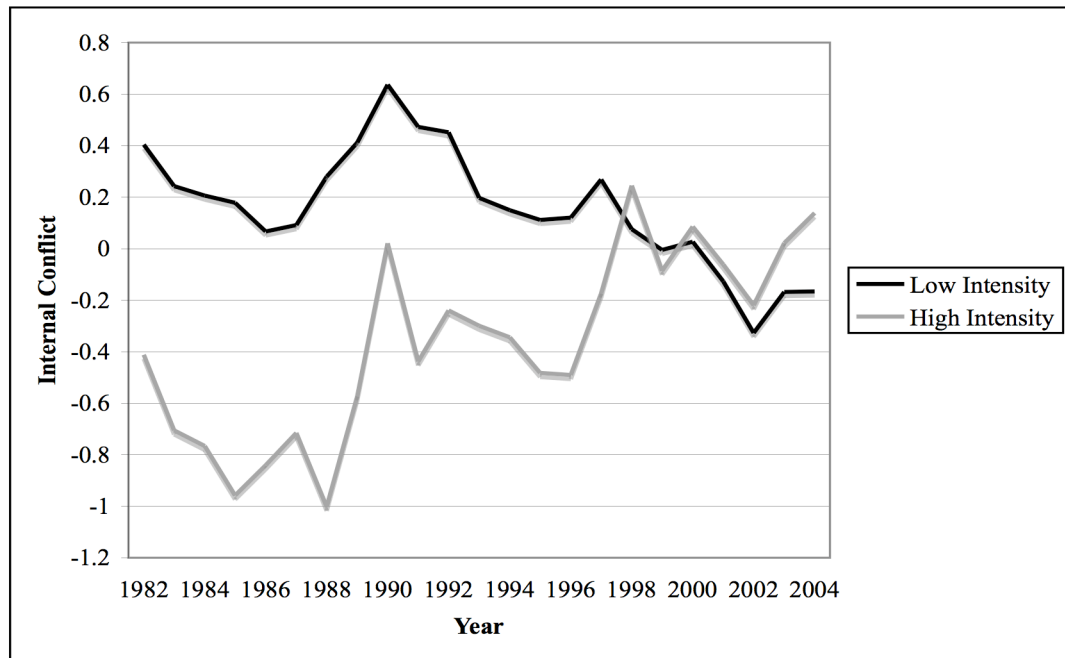


FIGURE C.13. Moving Windows, Internal Conflict and SALW Transfers, Democratic Exporters to Non-OECD Recipients

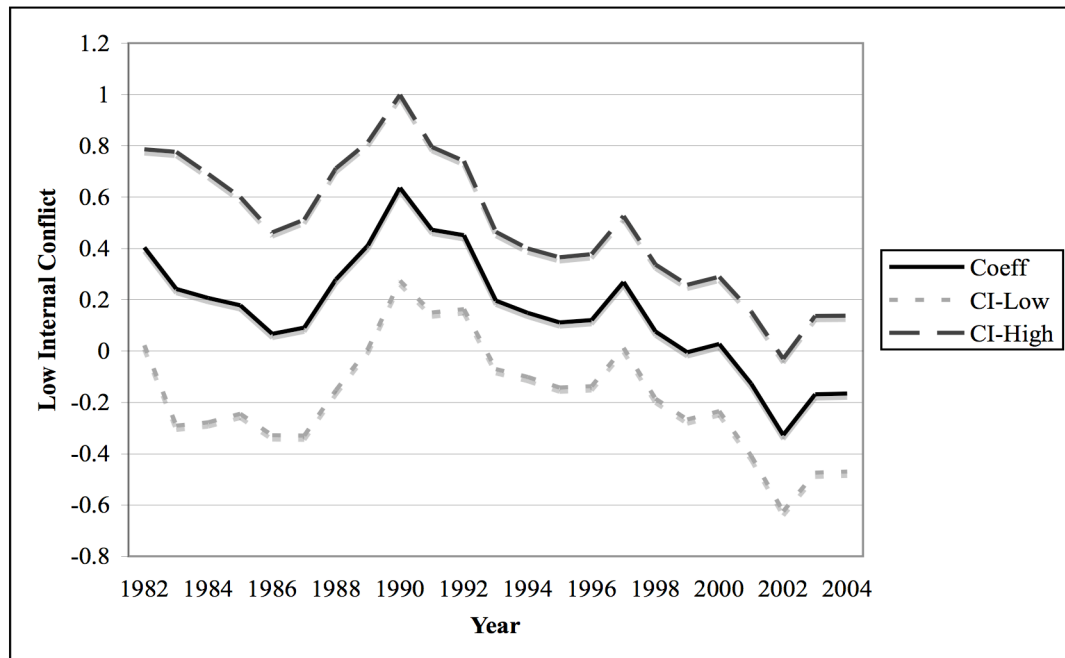


FIGURE C.14. Moving Windows, Low Level Internal Conflict and SALW Transfers, Democratic Exporters to Non-OECD Recipients

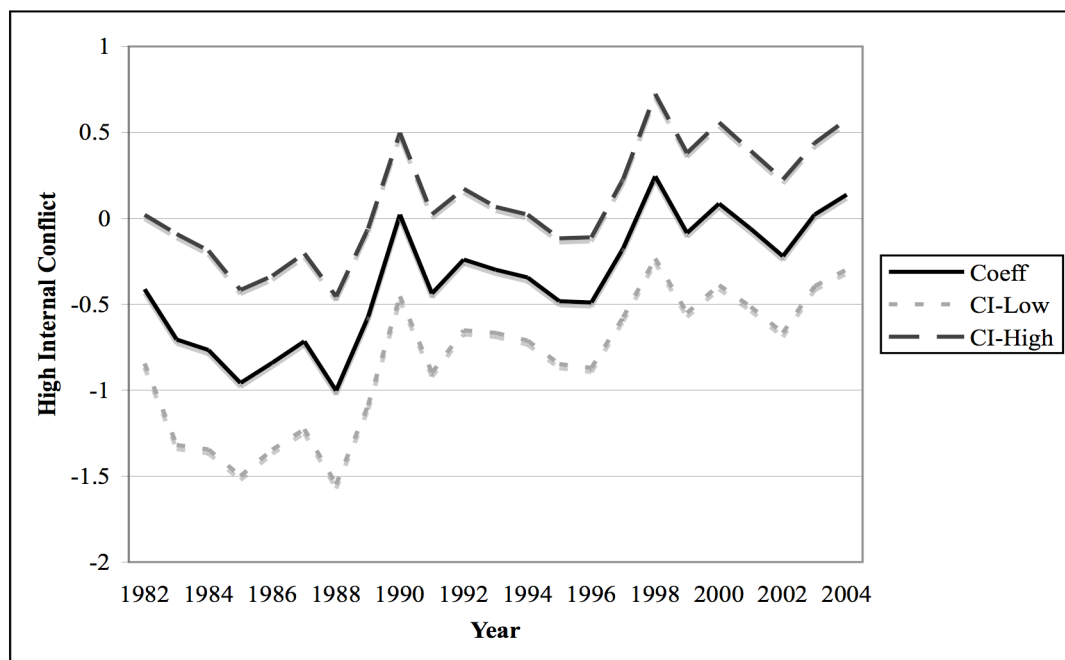


FIGURE C.15. Moving Windows, High Level Internal Conflict and SALW Transfers, Democratic Exporters to Non-OECD Recipients

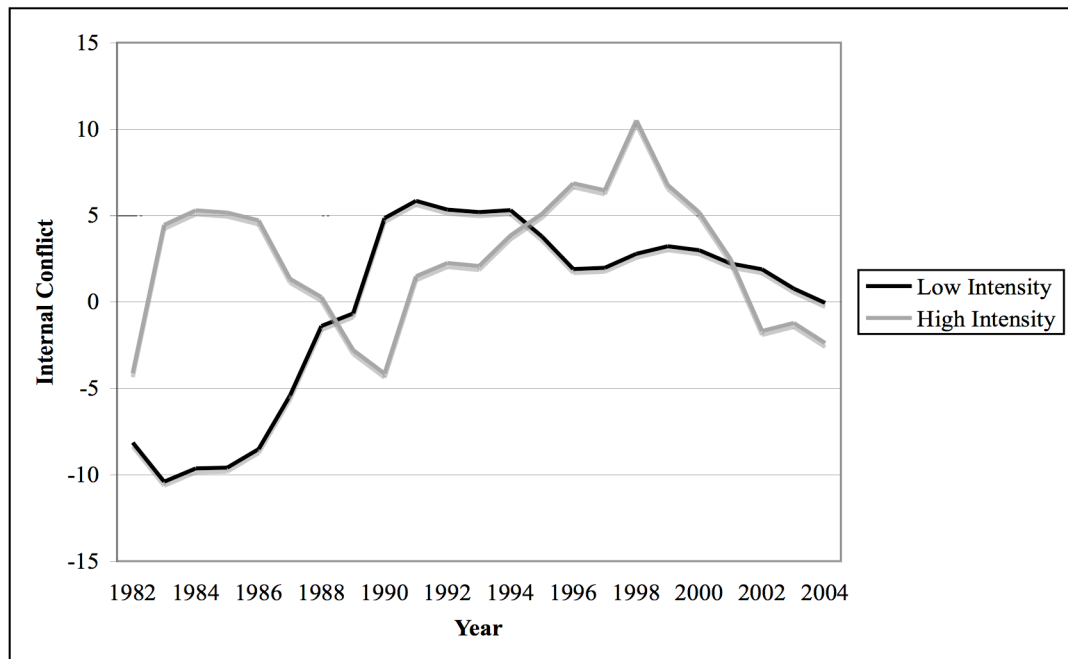


FIGURE C.16. Moving Windows, Internal Conflict and MCW Transfers, Democratic Exporters to Non-OECD Recipients

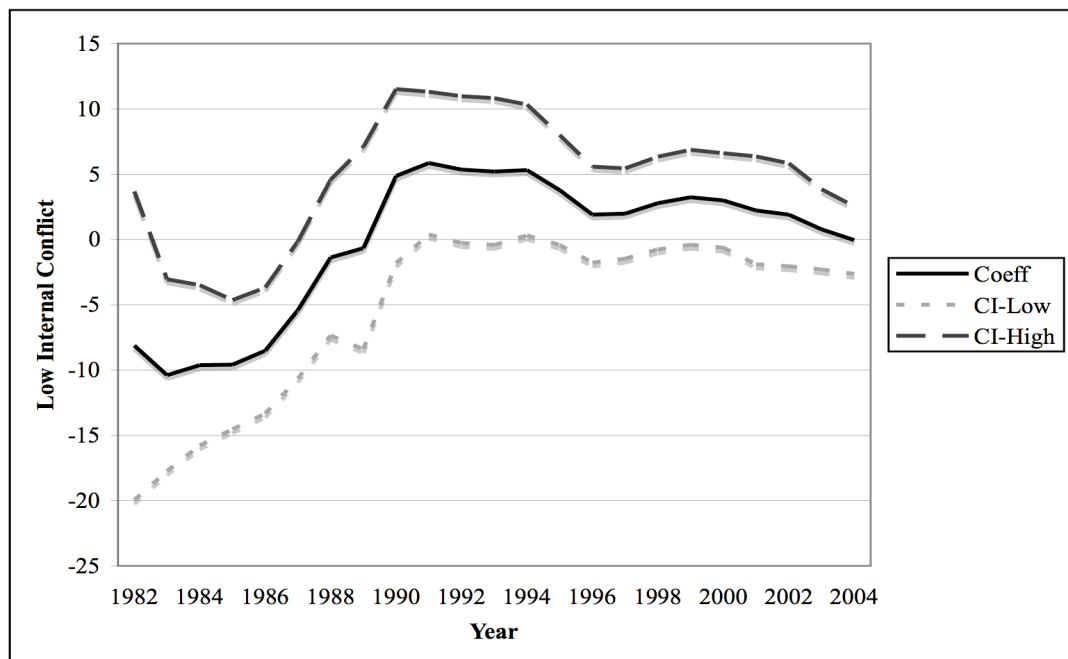


FIGURE C.17. Moving Windows, Low Level Internal Conflict and MCW Transfers, Democratic Exporters to Non-OECD Recipients

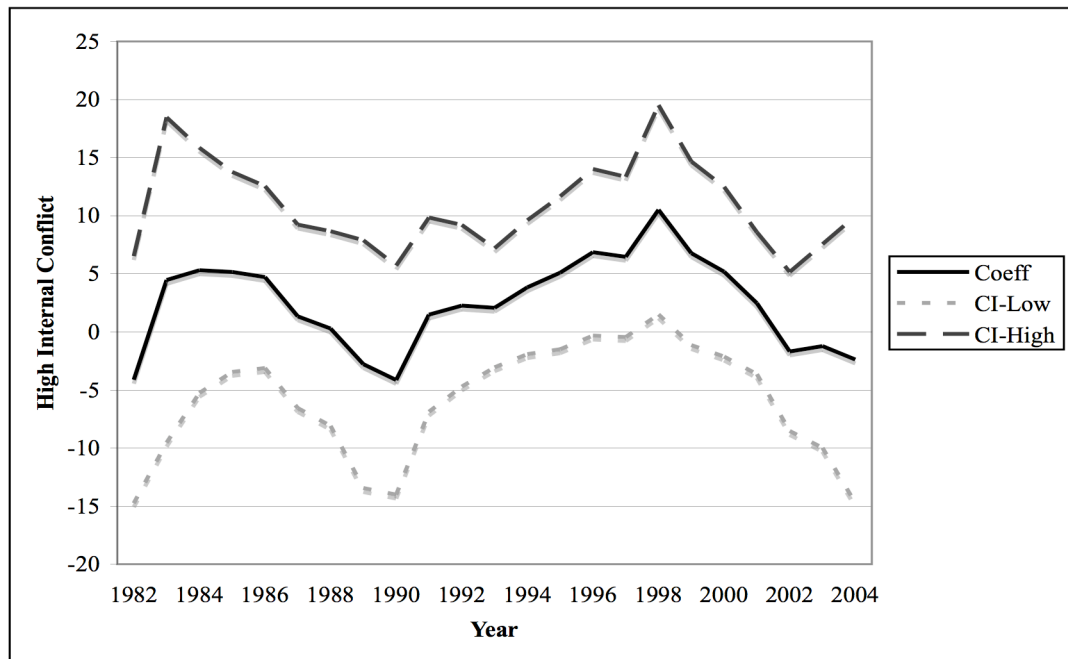


FIGURE C.18. Moving Windows, High Level Internal Conflict and MCW Transfers, Democratic Exporters to Non-OECD Recipients

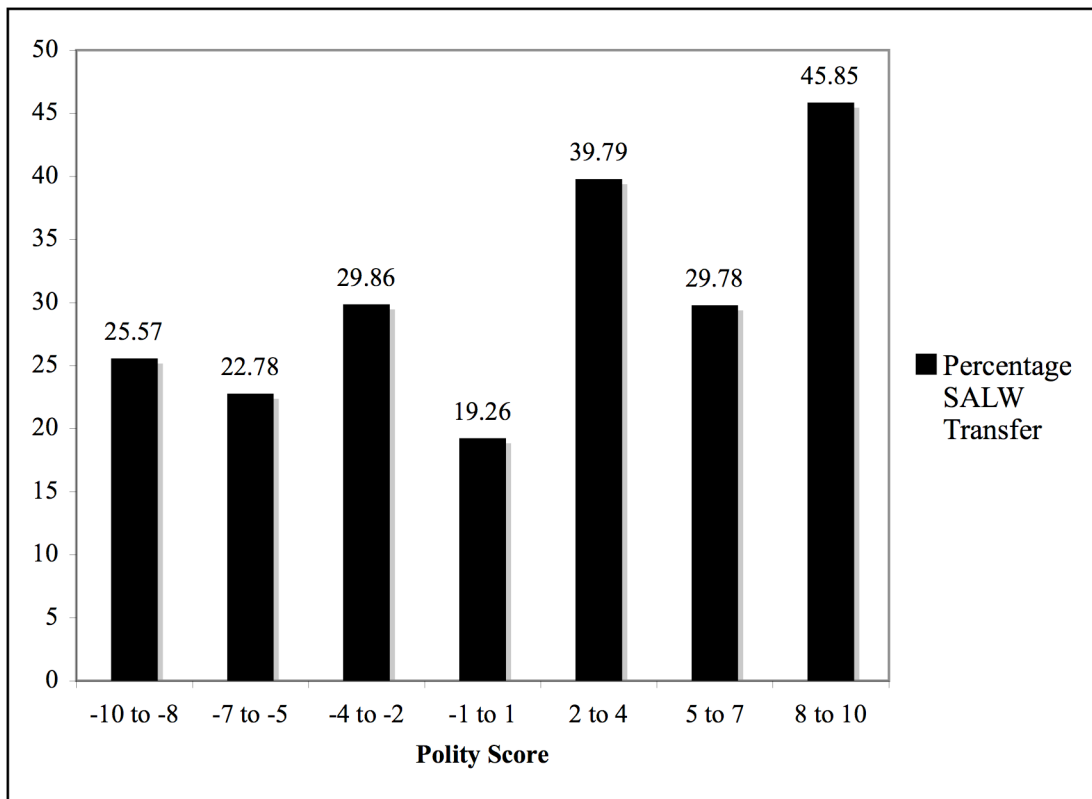


FIGURE C.19. Percentage of SALW Transfers by Democracy from Democratic Exporters to Non-OECD Recipients

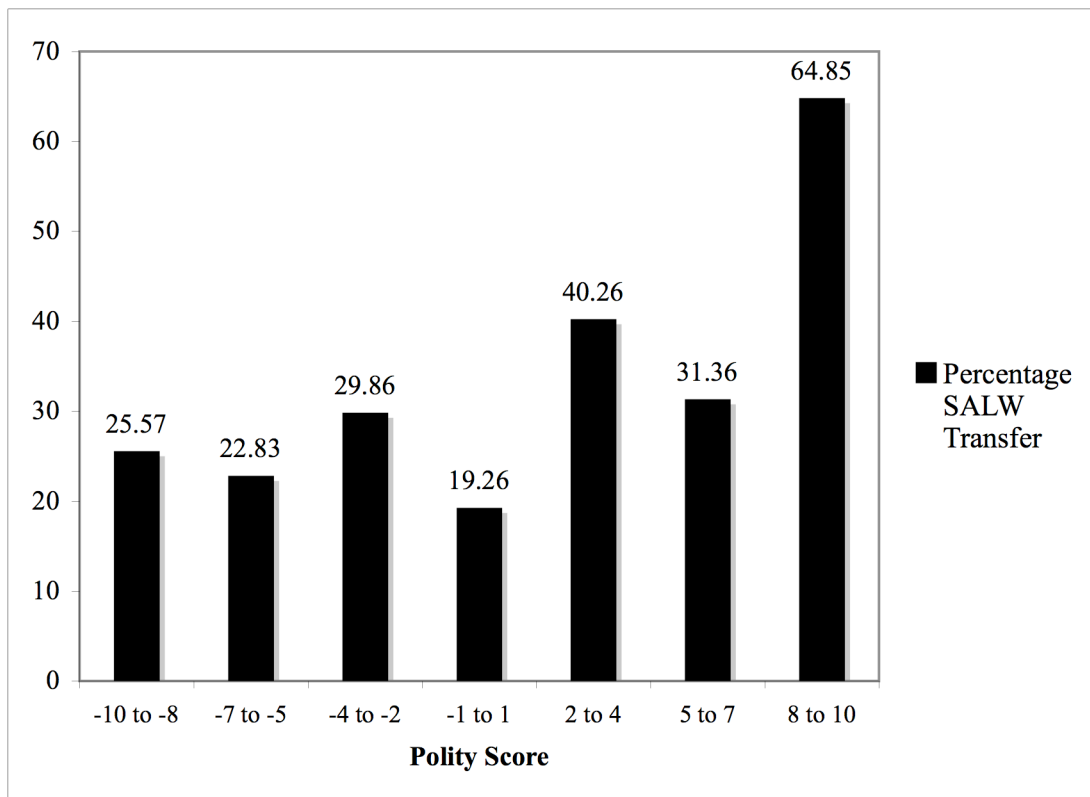


FIGURE C.20. Percentage of SALW Transfers by Democracy from Democratic Exporters

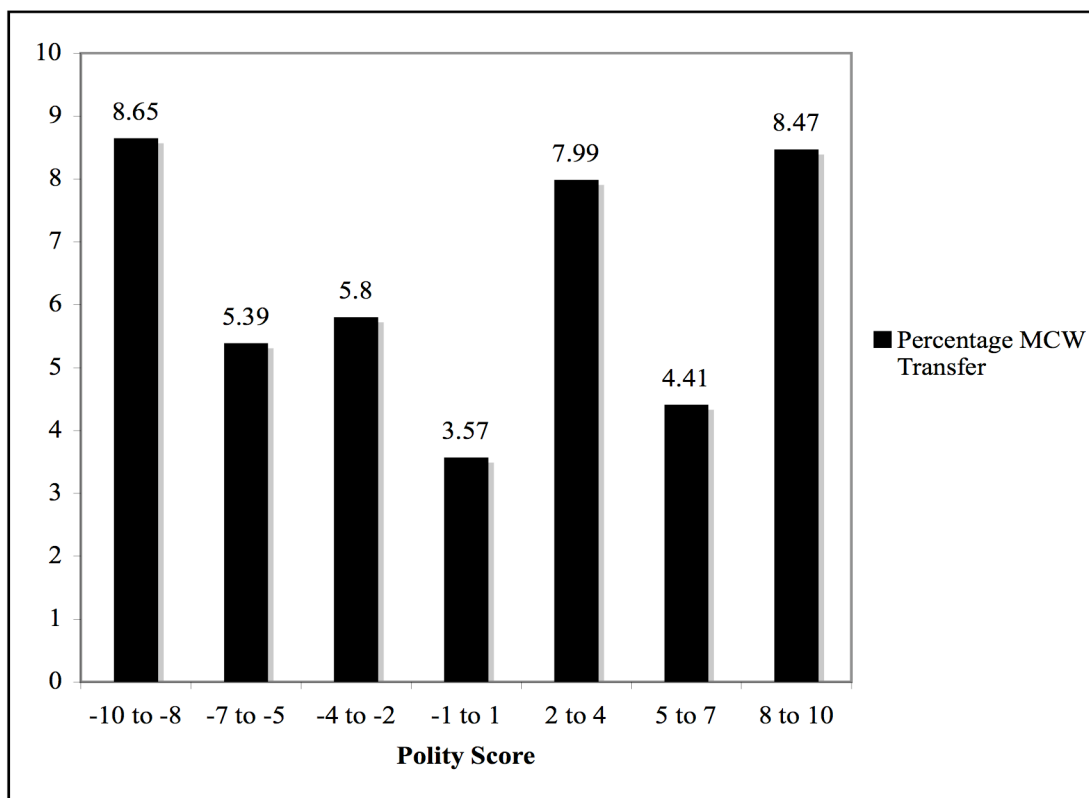


FIGURE C.21. Percentage of MCW Transfers by Democracy from Democratic Exporters to Non-OECD Recipients

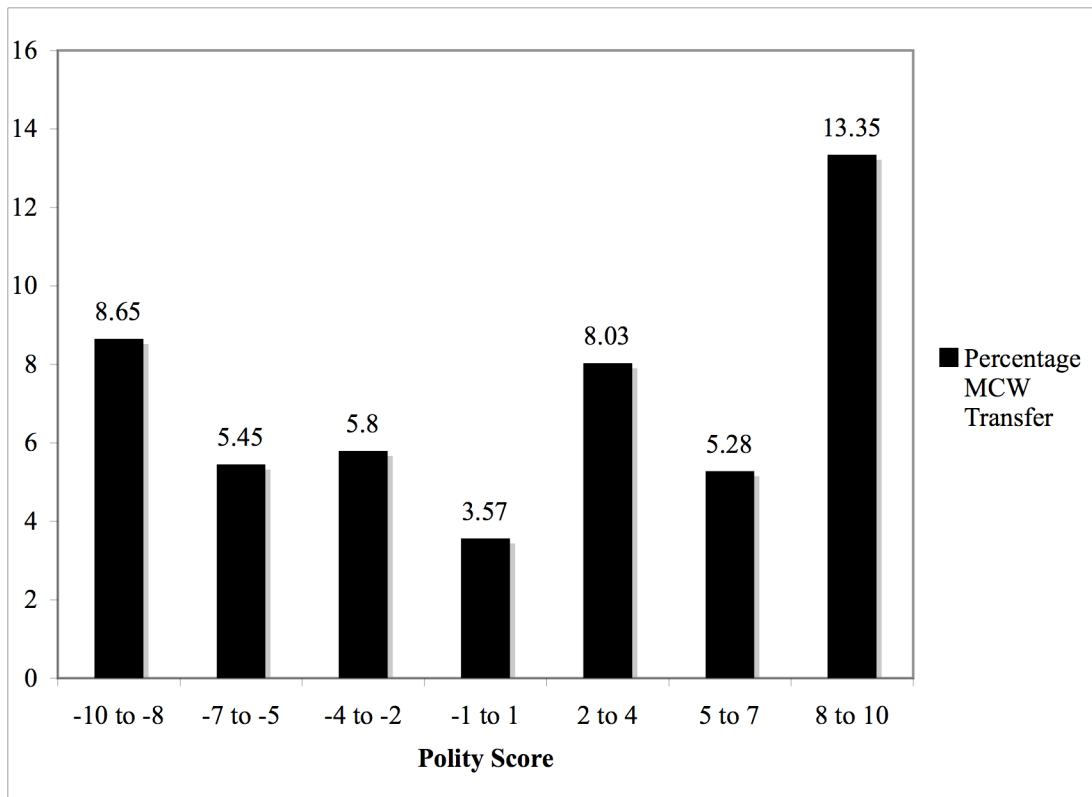


FIGURE C.22. Percentage of MCW Transfers by Democracy from Democratic Exporters

TABLE C.6. Influence of Democracy on SALW Transfers by Democratic Exporters to Non-OECD Recipients¹

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.025** (.006)	.032* (.013)	-.033** (.008)	-.028** (.009)	-.039* (.017)
GDP/Capita	.0002** (.00001)	.0002** (.00004)	.0003** (.00002)	.0003** (.00002)	.0003** (.00002)
Oil Production	.070 (.359)	-1.118 (.764)	-1.021* (.443)	-.575 (.497)	.267 (.676)
Democracy	.070** (.004)	.060** (.009)	.083** (.008)	.091** (.01)	.086** (.012)
Constant	-1.99** (.073)	-2.256** (.119)	-2.192** (.085)	-2.333** (.096)	-1.794** (.114)
Wald chi2	616.75	110.60	521.28	338.44	247.31
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2649	1854	2465	2284	2068
Obs	33918	11523	22395	12682	9713

* Significant at the .05 level; ** Significant at the .01 level

¹ The model for export restrictions by democratic suppliers to autocratic (or simply less than fully democratic) recipients includes additional control variables for military expenditures, GDP per capita, and oil production. Military expenditures can provide a glimpse at the militarization of society, the influence of the military in politics, and a measure for the risk of military coups – all of which can undermine or even bring an end to democratic rule. See for example: Bowman (1996, 2002); Collier and Hoeffler (2007); Hadenius (1992); Hibbs (1973); Kennedy (1974); Kimenyi and Mbaku (1995); Lebovic (2001); Rothstein (1987); Sivard (1991); Vanhanen (1981); Wolpin (1981); Yildirim and Sezgin (2005). On military autocracies, military coups, and the general militarization of politics at the expense of democracy and democratic transition, see also: Blanton (2001); Bowman (2002); Gills et al. (1993); Hadenius (1992); Kimenyi and Mbaku (1995); Lieuwen (1964); Loveman (1994); Maniruzzaman (1992); McFaul (2002); Sivard (1991); Stepan (1988); Wolpin (1981). GDP per capita, once again, provides a rough measure of development, which is widely associated with the growth and endurance of democracy. See for example: Barro (1999); Bhardwaj and Vijayakrishnan (1998); Boix (2003); Boix and Stokes (2003); Bollen (1983); Bollen and Jackman (1985); Bunce (2000); Diamond (1992); Geddes (1999); Helliwell (1994); Heo and Tan (2001); Karl (1997); Lipset (1959); Midlarsky (1997); Przeworski et al. (1996); Ramaswamy and Cason (2003). Lastly, abundant oil production in developing countries especially has often been linked to autocratic or semi-autocratic regimes. It has been shown to inhibit or corrode democratic transitions in two ways: from the inside by funding patronage networks keeping regimes in power and from the outside by the international community's desire for stability at the sources of an extremely important natural resource and commodity. See for example: Barro (1999); Boix (2003); Boix and Stokes (2003); Chapman and Khanna (2006); Helliwell (1994); Heradstveit (2001); Heradstveit and Hveem (2004); Karl (1997); Levitsky and Way (2002); Munslow (1999); Reno (1998); Ross (2001). Each variable may also positively affect states' arms transfers (see Appendix B) and are therefore important additions to the model.

TABLE C.7. Influence of Democracy on MCW Transfers by Democratic Exporters to Non-OECD Recipients

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	.585** (.091)	1.197** (.228)	.298** (.099)	.344 (.177)	.120 (.078)
GDP/Capita	.0009** (.0002)	.0006 (.0005)	.001** (.0002)	.001** (.0003)	.001** (.0003)
Oil Production	7.728 (4.623)	11.639 (11.643)	6.903 (5.485)	10.805 (8.241)	-1.269 (6.174)
Democracy	-.011 (.036)	.296** (.071)	-.087 (.050)	-.093 (.070)	-.116 (.061)
Constant	.283 (.397)	1.021 (.959)	.147 (.490)	.366 (.777)	.112 (.543)
Wald chi2	99.74	47.65	59.76	39.62	27.19
R ²	0.0126	0.0169	0.0122	0.0131	0.0131
Dyads	2649	1854	2465	2284	2068
Obs	33918	11523	22395	12682	9713

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.8. Influence of Democracy on SALW Transfers by Democratic Exporters

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Exp	-.024** (.006)	.031* (.013)	-.032** (.008)	-.023* (.009)	-.027 (.017)
GDP/Capita	.0002** (6.48e-06)	.0003** (.00002)	.0002** (7.29e-06)	.0002** (9.30e-06)	.0002** (9.85e-06)
Oil Production	.391 (.321)	-1.9** (.582)	-.179 (.384)	.279 (.415)	.609** (.548)
Democracy	.088** (.004)	.101** (.009)	.094** (.007)	.107** (.009)	.111** (.012)
Constant	-1.665** (.068)	-1.93** (.11)	-1.97** (.080)	-2.128** (.089)	-1.595** (.107)
Wald chi2	1446.50	596.27	1509.36	959.48	968.75
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	3100	2235	2916	2709	2565
Obs	42250	14453	27797	15561	12236

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.9. Influence of Democracy on MCW Transfers by Democratic Exporters

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Exp	.715** (.093)	1.164** (.227)	.453** (.103)	.488** (.179)	.300** (.096)
GDP/Capita	.0005** (.0001)	.0008** (.0002)	.0005** (.0001)	.0005** (.0001)	.0005** (.0001)
Oil Production	10.905** (3.493)	8.703 (7.295)	9.596* (4.120)	15.050* (6.477)	1.599 (4.039)
Democracy	.245** (.048)	.492** (.088)	.115 (.063)	.163 (.093)	.028 (.075)
Constant	1.786** (.370)	2.388* (.953)	1.323** (.441)	1.925* (.749)	.952* (.395)
Wald chi2	222.43	120.61	122.35	66.86	62.82
R ²	0.0091	0.0136	0.0085	0.0086	0.0096
Dyads	3100	2235	2916	2709	2565
Obs	42250	14453	27797	15561	12236

* Significant at the .05 level; ** Significant at the .01 level

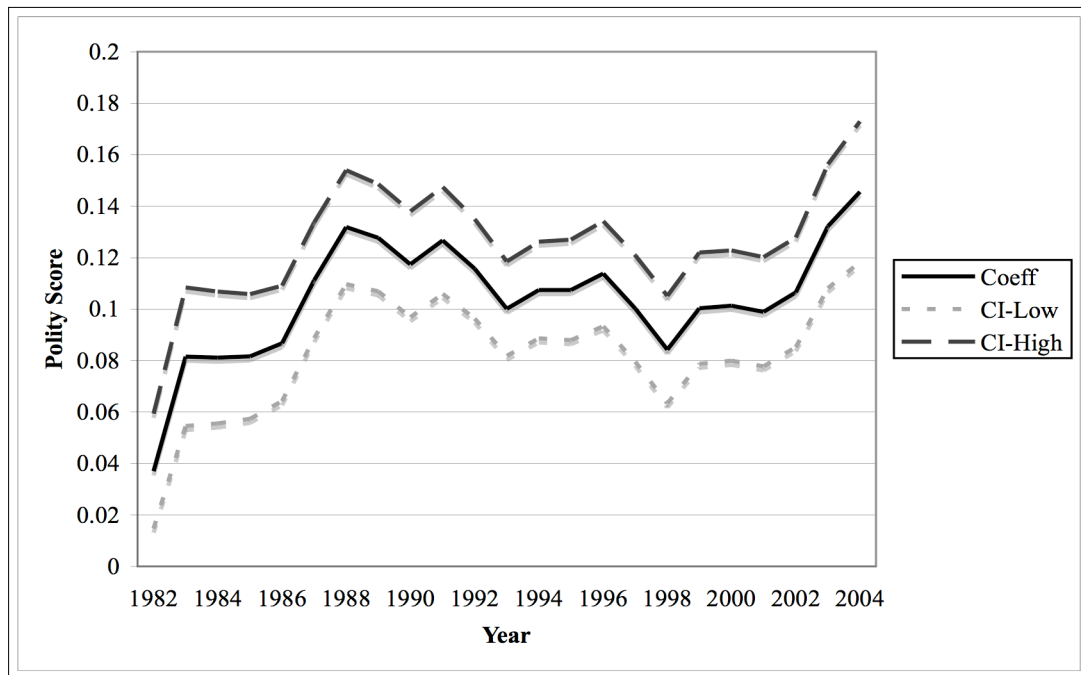


FIGURE C.23. Moving Windows, Democracy and SALW, Democratic Exporters to Non-OECD Recipients

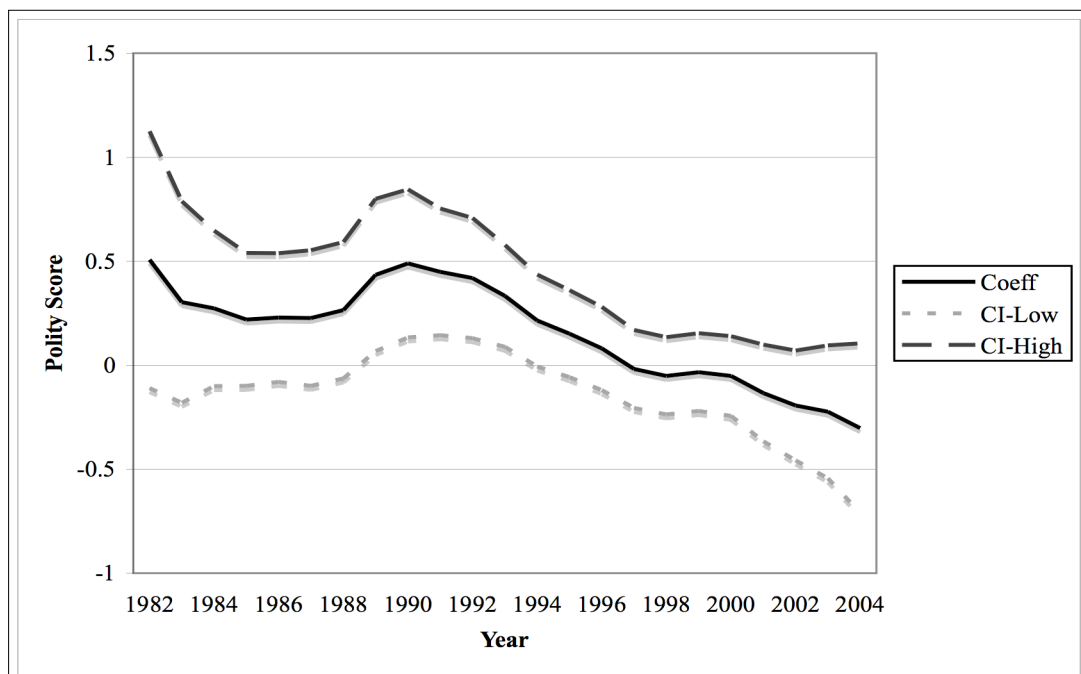


FIGURE C.24. Moving Windows, Democracy and MCW, Democratic Exporters to Non-OECD Recipients

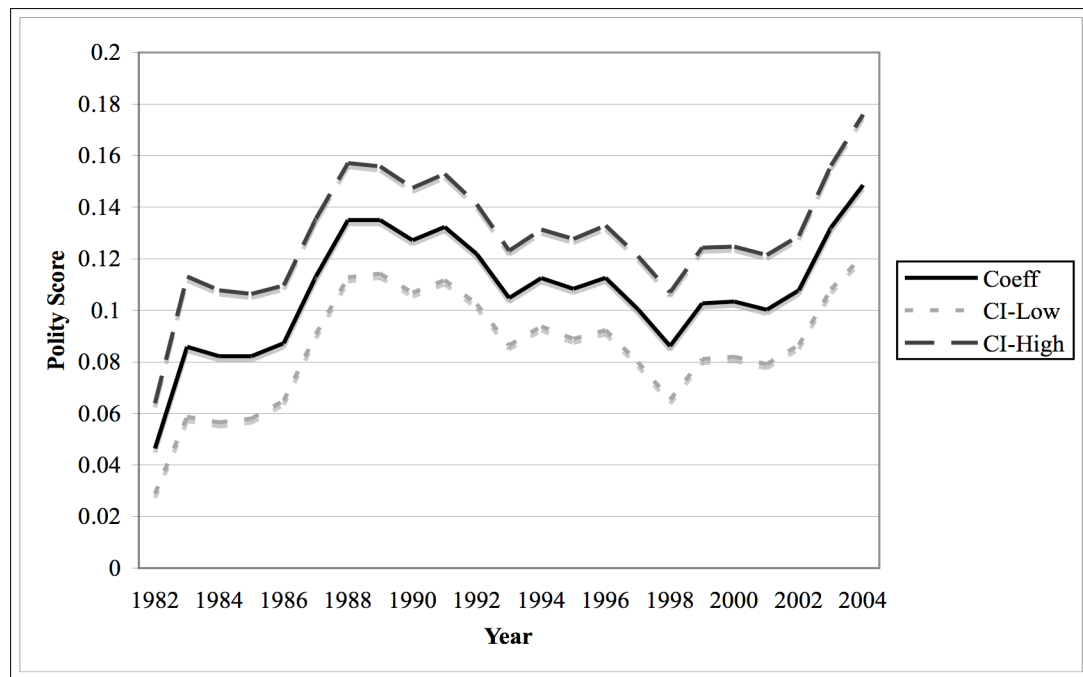


FIGURE C.25. Moving Windows, Democracy and SALW, Democratic Exporters

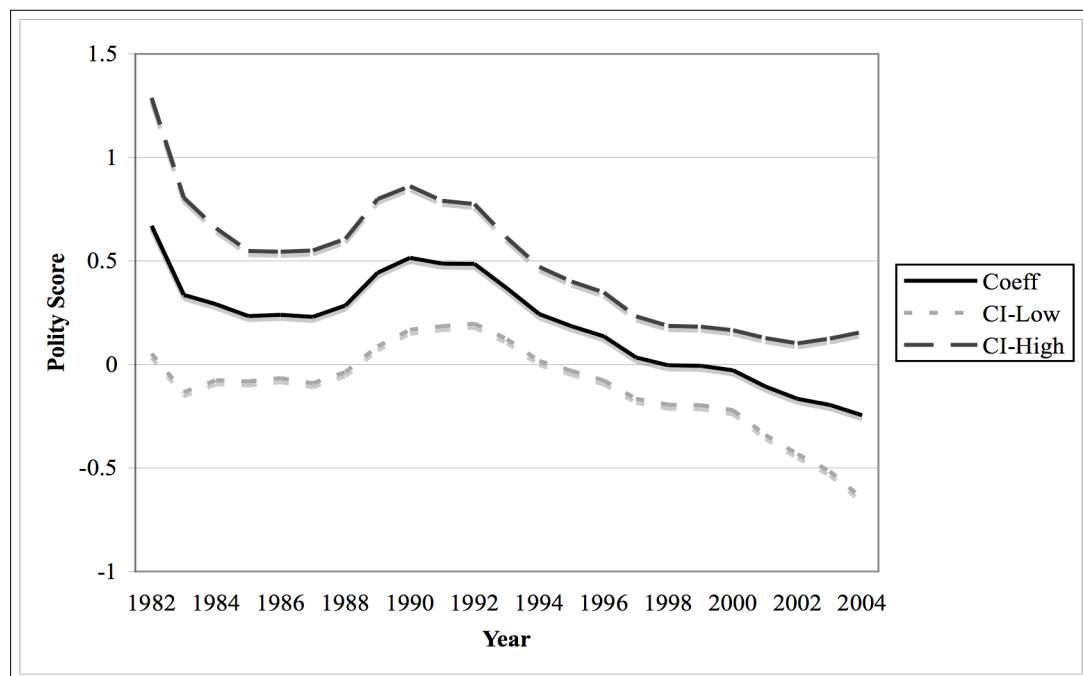


FIGURE C.26. Moving Windows, Democracy and MCW, Democratic Exporters

TABLE C.10. SALW Transfers to Non-OECD Recipients, Full Model

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.020** (.006)	.041** (.012)	-.027** (.008)	-.019* (.009)	-.039* (.017)
GDP/Capita	.0002** (.00001)	.0002** (.00003)	.0003** (.00002)	.0003** (.00002)	.0003** (.00002)
Democracy	.086** (.004)	.066** (.009)	.081** (.007)	.091** (.009)	.074** (.011)
Human Rights (Good)	-.001 (.085)	.146 (.181)	-.279* (.109)	-.489** (.143)	.165 (.192)
Human Rights (Average)	.302** (.093)	.337 (.197)	.158 (.119)	.043 (.16)	.388 (.202)
Human Rights (Bad)	.255* (.103)	.341 (.219)	-.033 (.134)	.126 (.18)	.295 (.227)
Human Rights (Very Bad)	-.015 (.118)	.218 (.255)	-.189 (.157)	.204 (.206)	-.576* (.289)
External Conflict (Low)	-.077 (.134)	-.183 (.217)	.386 (.202)	.629** (.236)	.361 (.49)
External Conflict (High)	-.375* .1697346	-1.022 (1.461)	-.32 (.186)	-1.134** (.250)	.983* (.395)
Internal Conflict (Low)	.075 (.067)	.219 (.159)	.187* (.089)	.093 (.123)	-.178 (.164)
Internal Conflict (High)	-.612** (.091)	-.358 (.204)	-.275* (.134)	-.604** (.179)	.226 (.243)
Alliance	1.712** (.160)	2.51** (.432)	1.932** (.208)	1.715** (.242)	2.421** (.334)
Colony	2.938** (.271)	3.334** (.371)	3.148** (.304)	3.025** (.321)	4.227** (.408)
Oil Production	.115 (.316)	-.223 (.688)	-.811* (.397)	-.570 (.451)	.161 (.606)
Population	4.00e-09** (3.80e-10)	2.72e-09** (6.52e-10)	3.70e-09** (4.10e-10)	2.99e-09** (4.56e-10)	3.48e-09** (5.17e-10)
Constant	-2.659** (.107)	-3.502** (.208)	-2.557** (.135)	-2.777** (.168)	-2.409** (.219)
Wald chi2	1406.77	260.03	906.51	628.57	481.36
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2916	2219	2699	2589	481.36
Obs	41199	15377	25822	14693	11129

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.11. SALW Transfers from Democratic Exporters to Non-OECD Recipients, Full Model

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditure	-.013* (.006)	.043** (.013)	-.024** (.008)	-.017 (.01)	-.041* (.019)
GDP/Capita	.0002** (.00001)	.0002** (.00004)	.0003** (.00002)	.0003** (.00002)	.0003** (.00002)
Democracy	.072** (.005)	.059** (.010)	.081** (.008)	.091** (.01)	.077** (.013)
Human Rights (Good)	-.204* (.095)	-.022 (.201)	-.376** (.121)	-.523** (.156)	.025 (.210)
Human Rights (Avg)	.04 (.103)	.142 (.219)	.025 (.132)	.031 (.174)	.214 (.221)
Human Rights (Bad)	-.085 (.115)	.106 (.244)	-.163 (.148)	.073 (.196)	.111 (.248)
Human Rights (Very Bad)	-.538** (.132)	-.278 (.286)	-.387* (.174)	.152 (.224)	-.84** (.316)
External Conflict (Low)	-.114 (.154)	-.443 (.25)	.502* (.228)	.745** (.261)	.748 (.546)
External Conflict (High)	-.566** (.191)	-1.038 (1.502)	-.468* (.211)	-1.205** (.273)	.877* (.432)
Internal Conflict (Low)	.148* (.075)	.342 (.178)	.245* (.098)	.093 (.134)	-.12 (.181)
Internal Conflict (High)	-.463** (.101)	-.123 (.226)	-.250 (.149)	-.654** (.196)	.25 (.268)
Alliance	1.943** (.185)	3.461** (.513)	2.286** (.249)	2.176** (.276)	2.574** (.391)
Colony	2.999** (.296)	2.707** (.365)	3.509** (.344)	3.352** (.354)	4.412** (.454)
Oil Production	.089 (.356)	-.944 (.773)	-.909* (.441)	-.679 (.497)	.251 (.675)
Population	3.70e-09** (4.18e-10)	2.54e-09** (7.00e-10)	3.71e-09** (4.44e-10)	2.94e-09** (4.91e-10)	3.69e-09** (5.59e-10)
Constant	-2.295** (.118)	-2.748** (.23)	-2.505** (.149)	-2.657** (.182)	-2.309** (.239)
Wald chi2	1040.60	235.34	800.33	576.29	433.83
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2586	1754	2443	2245	2049
Obs	32682	10640	22942	12424	9618

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.12. MCW Transfers to Non-OECD Recipients, Full Model

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditure	.995** (.116)	2.140** (.291)	.261** (.089)	.276 (.148)	.246* (.117)
GDP/Capita	.001** (.0002)	.00007 (.0004)	.001** (.0002)	.001** (.0003)	.001** (.0003)
Democracy	-.286** (.055)	-.183 (.107)	-.166** (.061)	-.095 (.067)	-.245* (.112)
Human Rights (Good)	1.621* (.792)	-1.158 (2.062)	1.715* (.76)	3.384** (1.135)	.233 (1.002)
Human Rights (Average)	5.191** (.965)	2.923 (2.343)	3.78** (.987)	5.493** (1.554)	1.945 (1.486)
Human Rights (Bad)	3.712** (1.423)	-.727 (3.574)	3.255* (1.367)	5.860** (1.656)	-.198 (2.167)
Human Rights (Very Bad)	1.97 (1.904)	3.598 (4.101)	2.614 (1.567)	2.550 (1.781)	3.769 (3.553)
External Conflict (Low)	6.439 (6.255)	4.123 (8.625)	7.340 (6.49)	11.01 (6.176)	-.239 (14.868)
External Conflict (High)	-12.214* (6.201)	.678 (3.653)	.321 (4.773)	4.228 (7.931)	-8.95 (7.607)
Internal Conflict (Low)	2.514 (1.392)	-1.600 (2.461)	2.096 (1.34)	2.384 (1.803)	2.231 (2.006)
Internal Conflict (High)	4.494 (2.463)	1.912 (4.132)	-.782 (1.92)	-.091 (1.891)	-1.879 (4.569)
Alliance	66.422** (6.854)	188.366** (22.395)	23.685** (4.068)	21.771** (4.705)	26.028** (8.587)
Colony	.864 (1.579)	3.477 (3.472)	.007 (1.051)	1.042 (1.430)	-1.425 (1.594)
Oil Production	4.454 (3.982)	11.906 (9.189)	7.28 (4.728)	12.037 (7.03)	-1.804 (5.563)
Population	5.94e-08** (1.11e-08)	1.37e-07** (3.46e-08)	4.42e-08** (1.12e-08)	3.44e-08** (8.72e-09)	5.91e-08* (2.44e-08)
Constant	-7.84** (.909)	-9.962** (1.623)	-4.643** (1.035)	-5.726** (1.507)	-3.717** (1.429)
Wald chi2	270.92	168.42	127.31	90.61	56.43
R ²	0.0480	0.1226	0.0287	0.0251	0.0385
Dyads	2916	2219	2699	2589	2371
Obs	41199	15377	25822	14693	11129

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.13. MCW Transfers from Democratic Exporters to Non-OECD Recipients, Full Model

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditure	.634** (.098)	1.267** (.249)	.312** (.102)	.35* (.175)	.172 (.101)
GDP/Capita	.001** (.0002)	.0008 (.0005)	.001** (.0002)	.001** (.0003)	.001** (.0003)
Democracy	-.028 (.035)	.249** (.079)	-.063 (.05)	-.076 (.068)	-.054 (.067)
Human Rights (Good)	3.266** (.677)	6.818** (1.825)	2.109** (.653)	3.26** (.959)	1.724 (.903)
Human Rights (Avg)	7.603** (.872)	11.424** (1.855)	5.795** (.953)	7.168** (1.585)	4.971** (1.183)
Human Rights (Bad)	5.012** (1.047)	5.644** (2.049)	5.003** (1.236)	6.851** (1.549)	3.588 (1.906)
Human Rights (Very Bad)	1.598 (.942)	2.792 (2.005)	2.448* (.991)	2.718 (1.448)	3.257* (1.398)
External Conflict (Low)	6.37** (2.245)	6.903 (3.931)	4.323* (1.915)	4.988 (2.54)	4.17 (2.833)
External Conflict (High)	-2.940 (4.822)	1.395 (2.948)	2.243 (4.921)	5.549 (9.527)	-2.39 (2.221)
Internal Conflict (Low)	2.406* (1.099)	.371 (1.982)	1.635 (1.321)	1.635 (1.913)	1.699 (1.628)
Internal Conflict (High)	1.354 (1.001)	-.722 (1.913)	-.085 (.920)	-.016 (1.328)	-.046 (1.137)
Alliance	19.473** (3.268)	60.706** (11.706)	9.016** (2.517)	14.259** (4.293)	1.700 (1.170)
Colony	3.066** (.960)	3.468 (1.859)	1.714 (1.004)	1.863 (1.395)	1.193 (1.41)
Oil Production	8.545 (4.631)	15.69 (11.778)	6.923 (5.441)	10.261 (.192)	-.235 (6.081)
Population	1.30e-08** (1.88e-09)	4.51e-08** (9.75e-09)	7.18e-09** (1.16e-09)	9.75e-09** (1.79e-09)	4.55e-09** (1.32e-09)
Constant	-6.87** (.917)	-10.252** (1.869)	-5.200** (1.066)	-6.501** (1.537)	-4.357** (1.569)
Wald chi2	205.95	112.49	144.13	104.22	85.38
R ²	0.0223	0.0495	0.0168	0.0195	0.0165
Dyads	2586	1754	2443	2245	2049
Obs	32682	10649	22042	12424	9618

* Significant at the .05 level; ** Significant at the .01 level

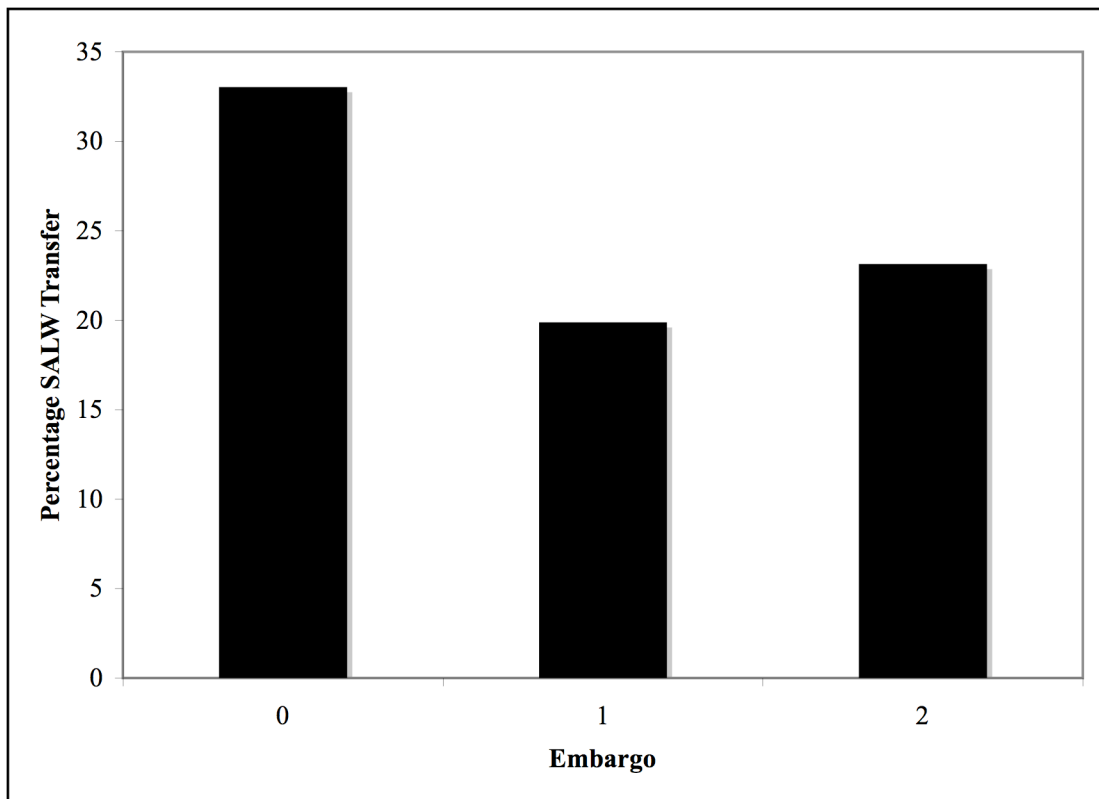


FIGURE C.27. Percentage of SALW Transfers by Level of Embargo, Full Sample

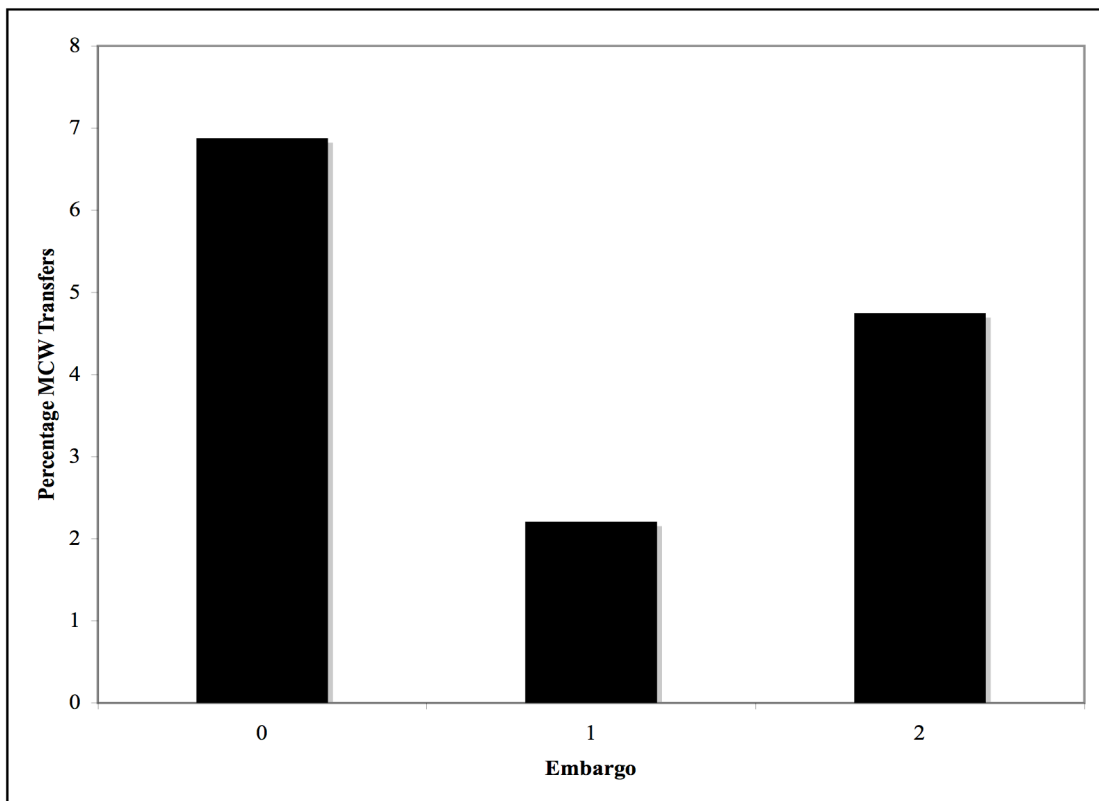


FIGURE C.28. Percentage of MCW Transfers by Level of Embargo, Full Sample

TABLE C.14. Influence of Embargoes on SALW Transfers from Democratic Exporters to Non-OECD Recipients, Reduced Sample

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Democracy	.064** (.005)	.054** (.009)	.085** (.008)	.093** (.010)	.079** (.013)
Alliance	1.999** (.212)	2.946** (.459)	2.919** (.297)	3.11** (.347)	2.622** (.388)
GDP/Capita	.0002** (.00002)	.0004** (.00004)	.0003** (.00002)	.0003** (.00003)	.0003** (.00003)
Oil Production	-1.491** (.396)	-4.761** (.880)	-1.329** (.465)	-.746 (.55)	-1.284 (.845)
Partial Arms Embargo	-.344** (.111)	-2.041** (.642)	.019 (.138)	.39 (.202)	-.877** (.254)
Full Arms Embargo	-1.156** (.097)	-.6** (.229)	-.838** (.146)	-.521** (.176)	-.53 (.309)
Constant	-2.247** (.068)	-2.379** (.108)	-2.683** (.084)	-2.905** (.1)	-2.232** (.109)
Wald chi2	791.69	211.86	610.49	361.05	296.57
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2807	1980	2731	2511	2220
Obs	31226	11799	19427	11061	8366

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.15. Influence of Embargoes on MCW Transfers from Democratic Exporters to Non-OECD Recipients, Reduced Sample

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Democracy	-.261** (.043)	-.04 (.068)	-.292** (.065)	-.302** (.083)	-.273** (.09)
Alliance	23.804** (3.987)	55.388** (10.695)	11.856** (3.387)	19.703** (6.152)	2.603 (1.397)
GDP/Capita	.001** (.0003)	.0007 (.0006)	.002** (.0004)	.002** (.0007)	.001* (.0006)
Oil Production	3.048 (7.993)	14.720 (15.582)	3.496 (10.563)	4.156 (14.417)	-2.842 (14.072)
Partial Arms Embargo	-3.305** (.386)	-8.829** (1.551)	-2.015** (.447)	-2.759** (.62)	-1.574** (.562)
Full Arms Embargo	-5.616** (.715)	-6.227** (.973)	-5.140** (.748)	-6.423** (1.077)	-3.588** (1.171)
Constant	1.686** (.415)	4.343** (.822)	.504** (.517)	.374** (.775)	.538 (.61)
Wald chi2	171.33	83.96	97.19	53.85	53.38
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2807	1980	2731	2511	2220
Obs	31226	11799	19427	11061	8366

* Significant at the .05 level; ** Significant at the .01 level

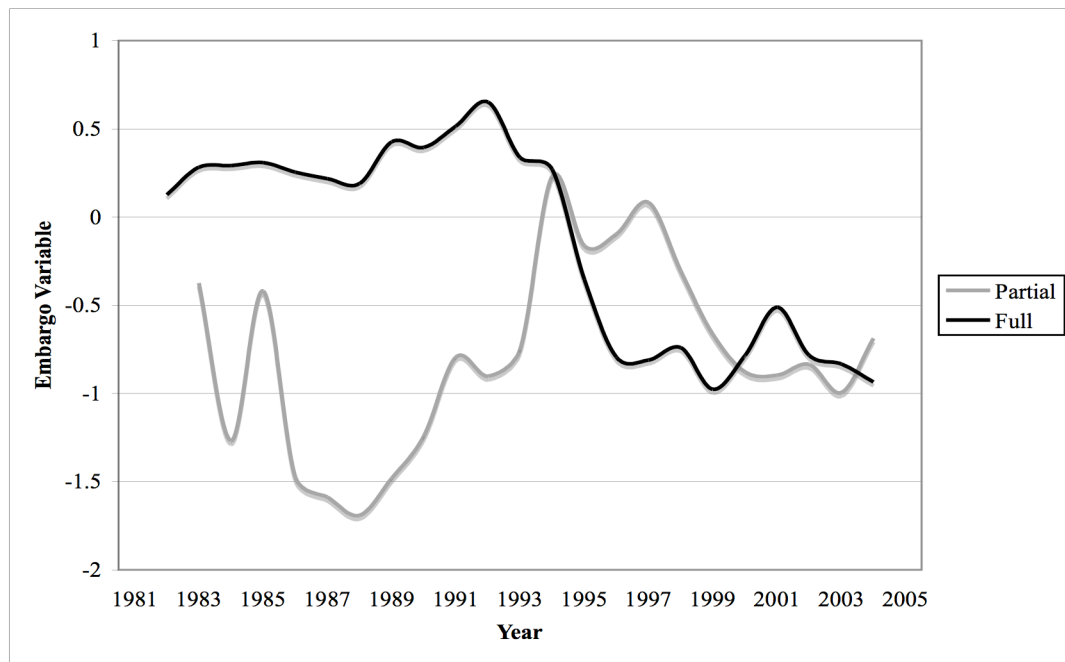


FIGURE C.29. Moving Windows, Embargoes and SALW, Reduced Sample

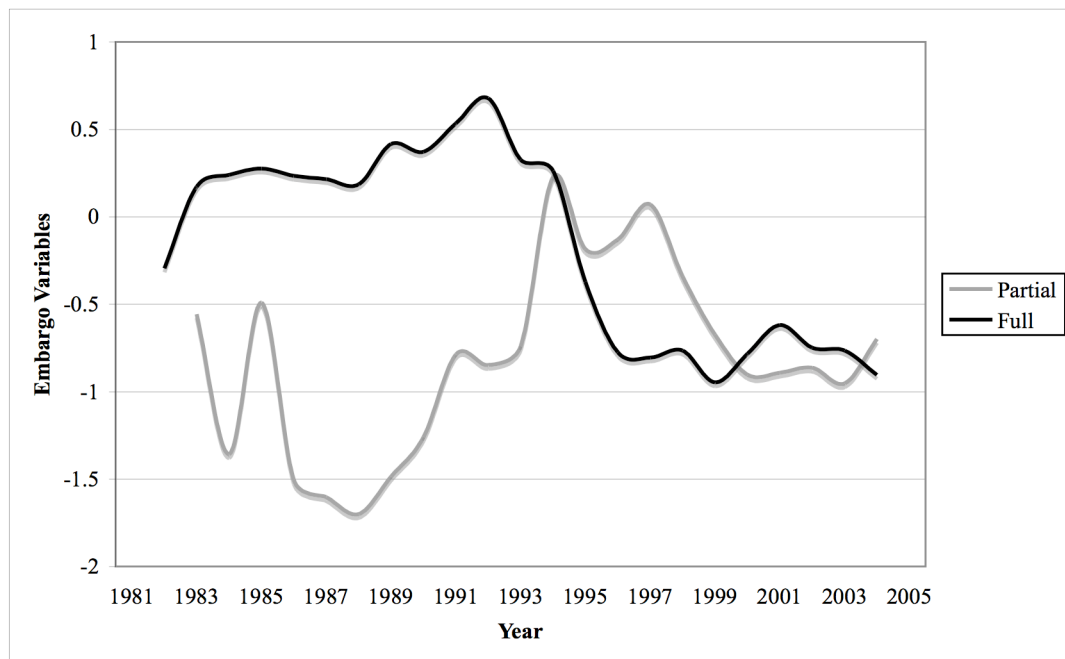


FIGURE C.30. Moving Windows, Embargoes and SALW, Democratic Exporters to Non-OECD Recipients, Reduced Sample

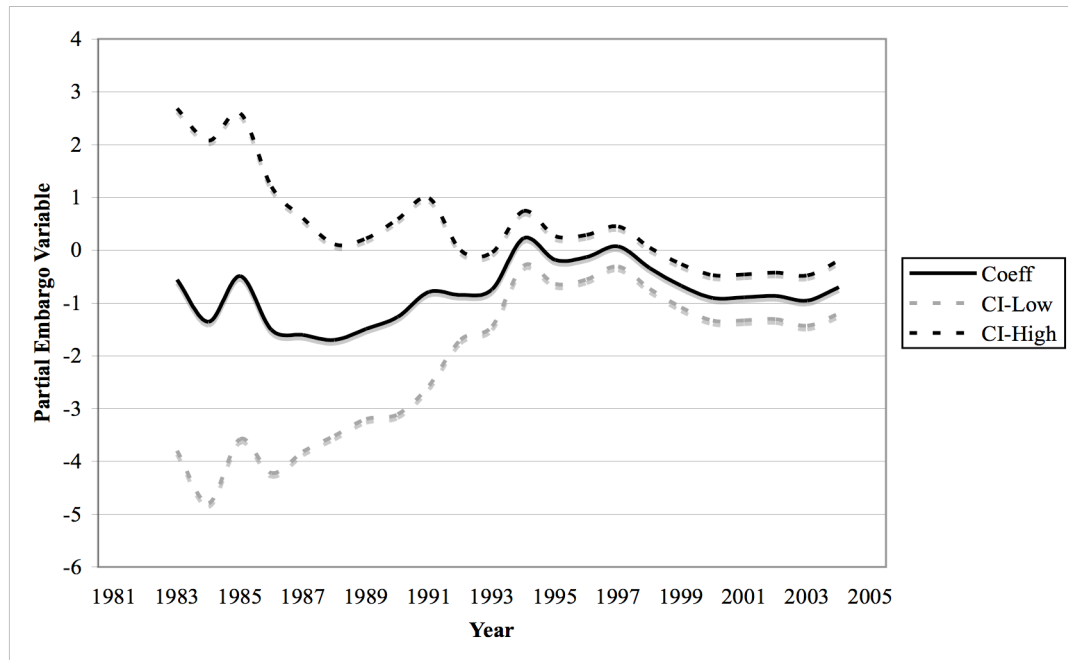


FIGURE C.31. Moving Windows, Partial Embargoes and SALW, Democratic Exporters to Non-OECD Recipients, Reduced Sample

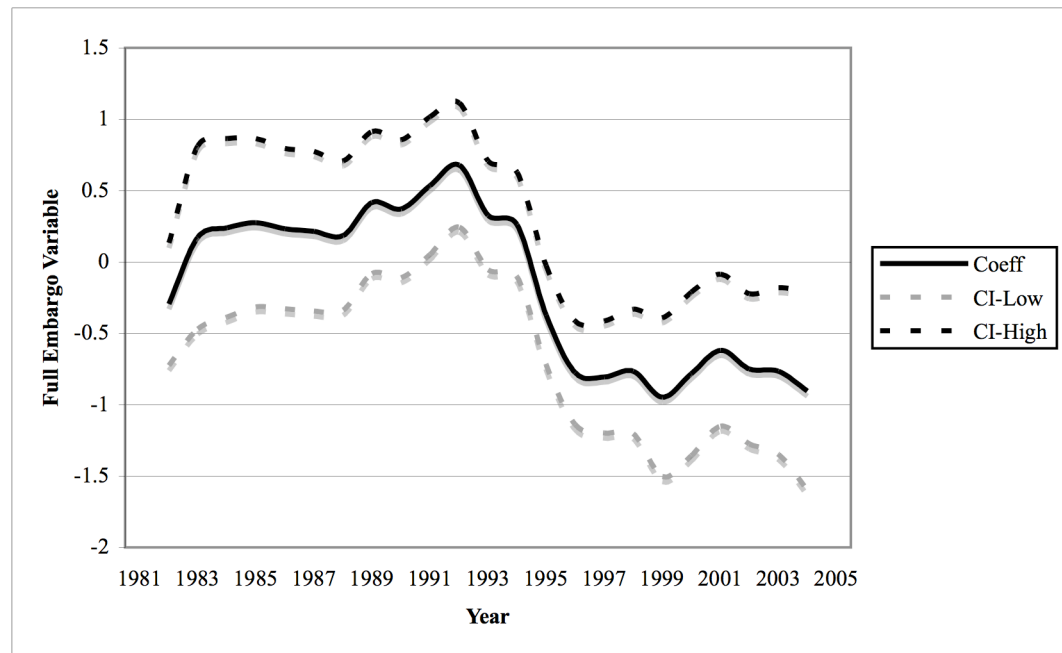


FIGURE C.32. Moving Windows, Full Embargoes and SALW, Democratic Exporters to Non-OECD Recipients, Reduced Sample

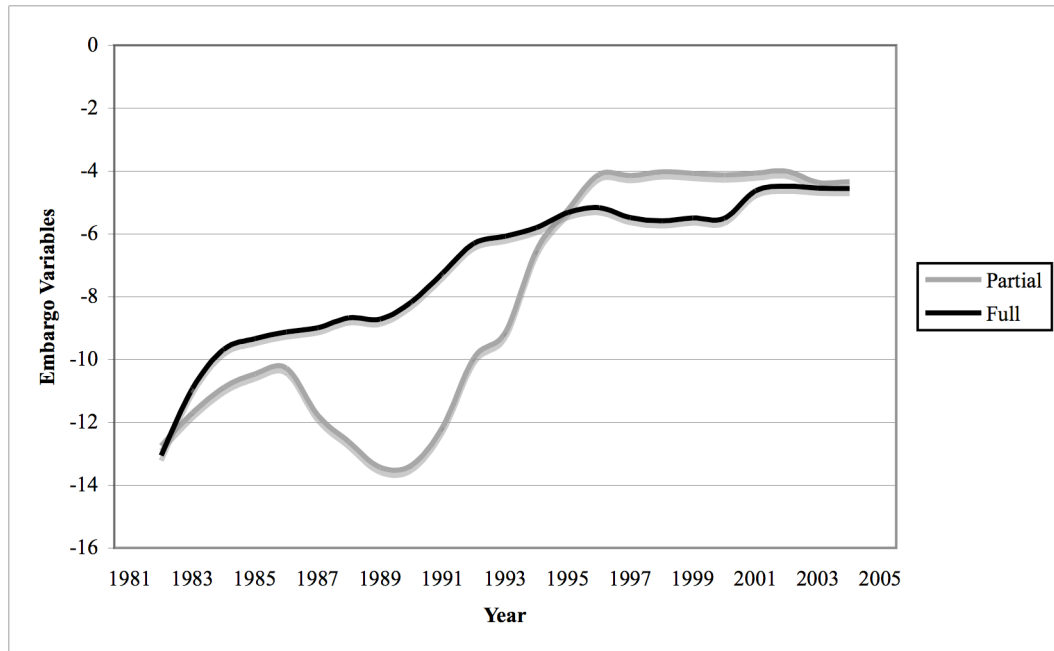


FIGURE C.33. Moving Windows, Embargoes and MCW, Reduced Sample

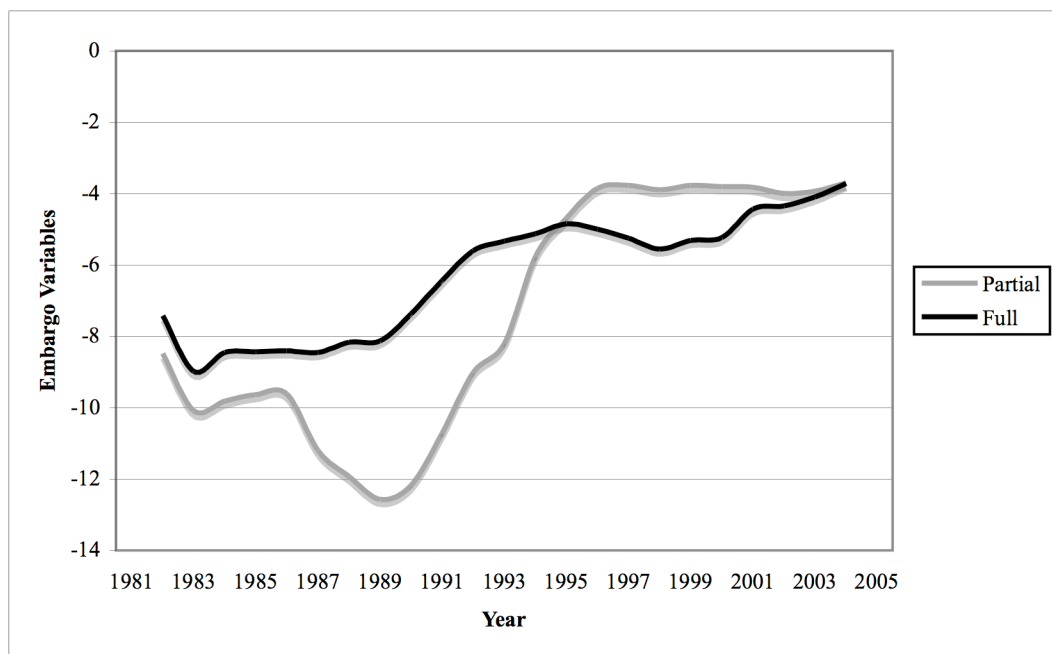


FIGURE C.34. Moving Windows, Embargoes and MCW, Democratic Exporters to Non-OECD Recipients, Reduced Sample

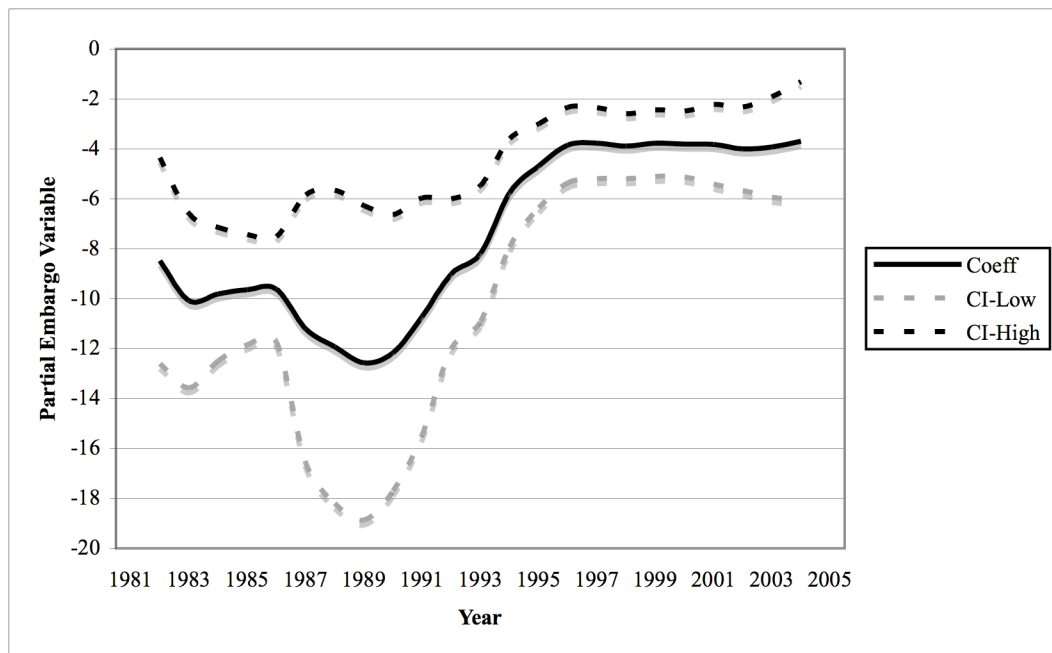


FIGURE C.35. Moving Windows, Partial Embargoes and MCW, Democratic Exporters to Non-OECD Recipients, Reduced Sample

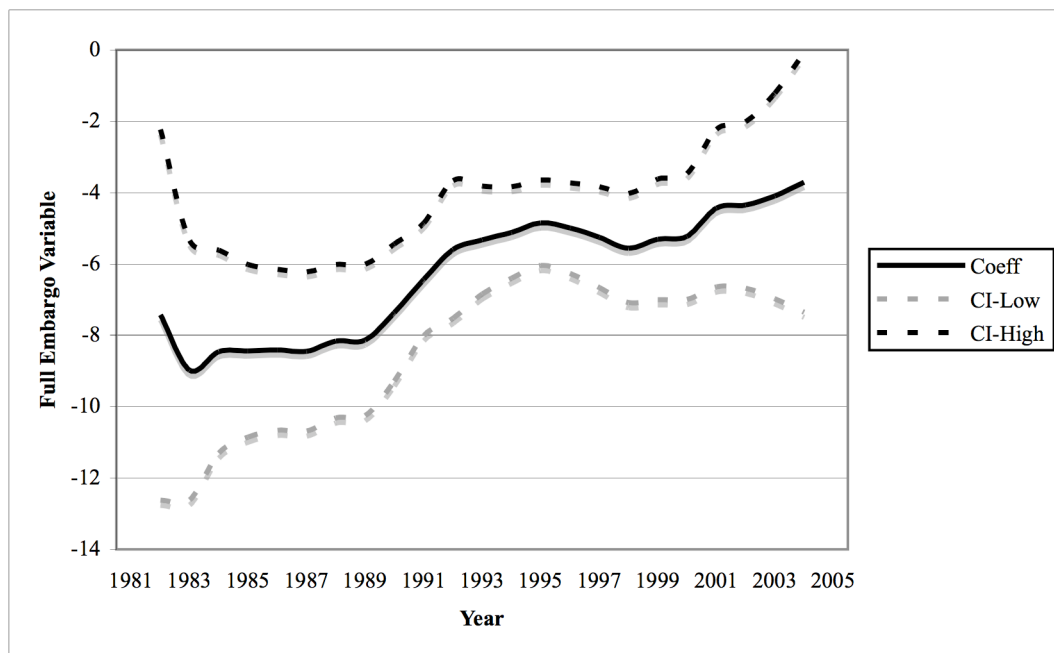


FIGURE C.36. Moving Windows, Full Embargoes and MCW, Democratic Exporters to Non-OECD Recipients, Reduced Sample

TABLE C.16. Influence of Internal Conflict on SALW Transfers, EU Members

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.055** (.01)	.024 (.021)	-.072** (.014)	-.065** (.016)	-.076** (.024)
GDP/Capita	.0002** (7.36e-06)	.0002** (.00002)	.0002** (6.57e-06)	.0002** (.00001)	.0002** (.00001)
Population	4.00e-09** (5.28e-10)	3.00e-09** (1.10e-09)	3.93e-09** (5.45e-10)	3.69e-09** (6.95e-10)	3.82e-09** (6.72e-10)
Low Intensity Internal Conflict	.089 (.089)	.740** (.247)	.147 (.113)	.197 (.16)	-.145 (.192)
High Intensity Internal Conflict	-.666** (.121)	-.451 (.331)	-.294 (.171)	-.391 (.239)	-.183 (.280)
Constant	-.886** (.100)	-1.379** (.178)	-.946** (.114)	-1.164** (.13)	-.56** (.145)
Wald chi2	817.73	161.62	1125.23	414.99	545.12
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	1413	920	1348	1294	1314
Obs	21032	5515	15517	7048	8469

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.17. Influence of Democracy on SALW Transfers, EU Members

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.028** (.009)	.042* (.018)	-.061** (.014)	-.044** (.015)	-.076** (.026)
GDP/Capita	.0002** (.00001)	.0003** (.00003)	.0003** (.00001)	.0002** (.00002)	.0003** (.00002)
Oil Production	.514 (.469)	-1.949* (.897)	.164 (.605)	.425 (.614)	.742 (.907)
Democracy	.080** (.006)	.093** (.013)	.093** (.010)	.095** (.013)	.108** (.017)
Constant	-.765** (.093)	-.956** (.161)	-1.033** (.115)	-1.237** (.122)	-.718** (.153)
Wald chi2	649.23	231.73	675.15	419.00	432.52
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	1350	894	1267	1231	1215
Obs	18572	6099	12473	6677	5796

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.18. Influence of Internal Conflict on MCW Transfers, EU Members

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	.656** (.102)	1.79** (.354)	.199** (.062)	.160 (.091)	.248** (.075)
GDP/Capita	.0003** (.00003)	.0004** (.0001)	.0003** (.00002)	.0003** (.00003)	.0003** (.00003)
Population	2.29e-08** (3.49e-09)	9.78e-08** (2.13e-08)	1.33e-08** (1.95e-09)	2.14e-08** (3.86e-09)	7.85e-09** (1.64e-09)
Low Intensity Internal Conflict	.661 (.79)	2.641 (2.28)	-.561 (.712)	-2.036* (.864)	.700 (1.008)
High Intensity Internal Conflict	3.691* (1.653)	.055 (3.764)	3.621** (1.195)	5.845** (2.139)	.897 (1.040)
Constant	.995** (.353)	-1.874** (1.357)	1.334** (.237)	1.9** (.414)	.796** (.263)
Wald chi2	187.46	74.69	184.62	111.94	96.77
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	1413	920	1348	1294	1314
Obs	21032	5515	15517	7048	8469

* Significant at the .05 level; ** Significant at the .01 level

TABLE C.19. Influence of Democracy on MCW Transfers, EU Members

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	.562** (.103)	1.419** (.308)	.128* (.065)	.082 (.092)	.191** (.072)
GDP/Capita	.0001** (.00003)	-.0002 (.0001)	.0002** (.00003)	.0001** (.00004)	.0002** (.00004)
Oil Production	20.858** (3.686)	32.016** (9.413)	17.562** (3.520)	19.749** (5.034)	15.02** (4.632)
Democracy	.222** (.042)	.535** (.1033035)	.185** (.046)	.223** (.071)	.155** (.052)
Constant	2.466** (.347)	3.577** (1.244)	1.954** (.274)	2.86** (.435)	.89** (.273)
Wald chi2	168.63	82.85	130.81	73.25	62.40
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	1350	894	1267	1231	1215
Obs	18572	6099	12473	6677	5796

* Significant at the .05 level; ** Significant at the .01 level

**TABLE C.20. Influence of Internal Conflict on SALW Transfers,
ATT Supporters**

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	-.049** (.007)	.012 (.014)	-.052** (.009)	-.042** (.010)	-.038* (.016)
GDP/Capita	.0002** (4.72e-06)	.0002** (.00001)	.0002** (4.64e-06)	.0002** (7.23e-06)	.0002** (6.31e-06)
Population	4.41e-09** (2.91e-10)	3.51e-09** (7.19e-10)	4.09e-09** (3.61e-10)	3.31e-09** (4.98e-10)	3.94e-09** (4.76e-10)
Low Intensity Internal Conflict	-.003 (.06)	.553** (.155)	.028 (.081)	.122** (.115)	-.202 (.137)
High Intensity Internal Conflict	-.589** (.083)	-.256 (.212)	-.229 (.121)	-.23 (.169)	-.141 (.198)
Constant	-1.86** (.072)	-2.787** (.119)	-1.856** (.082)	-2.163** (.096)	-1.526** (.102)
Wald chi2	.	396.62	1875.37	811.84	1031.46
Prob > chi2	.	0.0000	0.0000	0.0000	0.0000
Dyads	2875	2273	2699	2591	2628
Obs	48204	15593	32611	15673	16938

* Significant at the .05 level; ** Significant at the .01 level

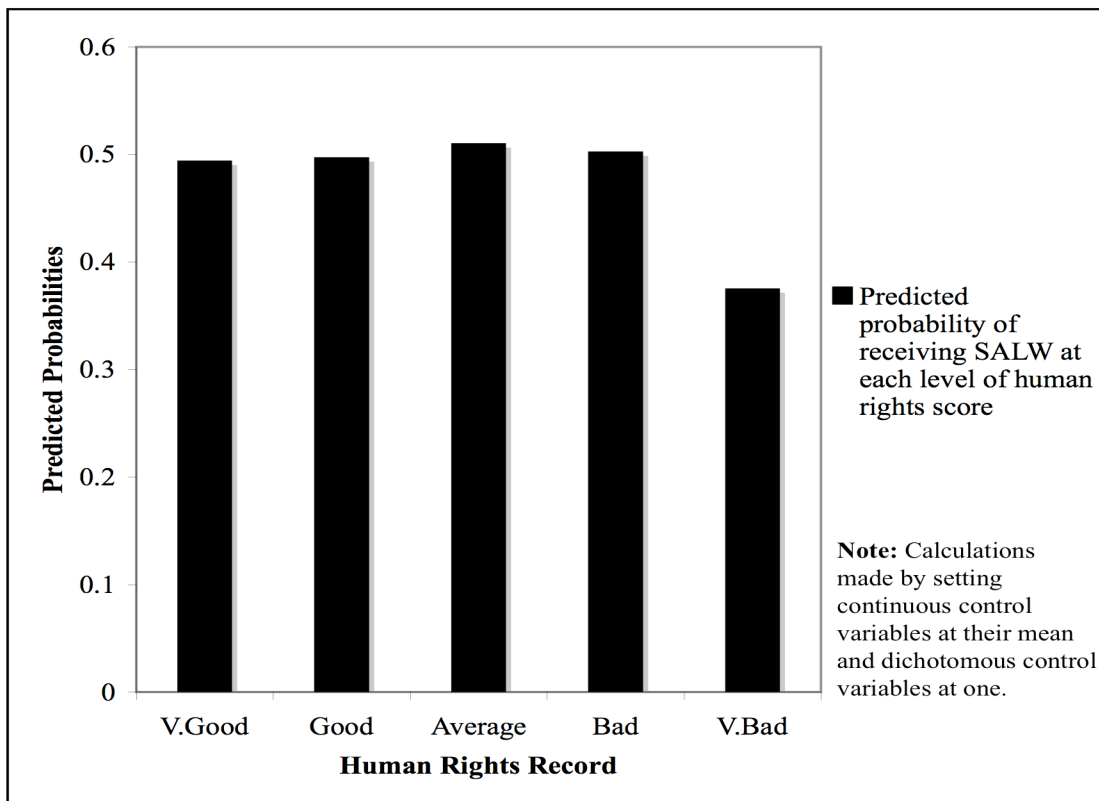


FIGURE C.37. Predicted Probabilities for Human Rights and SALW Transfers from ATT Supporters (1998-2004)

**TABLE C.21. Influence of Internal Conflict on MCW Transfers,
ATT Supporters**

Variable	1981-2004 SE	1981-1990 SE	1991-2004 SE	1991-1997 SE	1998-2004 SE
Military Expenditures	.289** (.043)	.645** (.128)	.106** (.029)	.084* (.040)	.141** (.038)
GDP/Capita	.0002** (.00001)	.0002** (.00004)	.0001** (.00001)	.0001** (.00002)	.0002** (.00002)
Population	1.17e-08** (1.66e-09)	3.95e-08** (8.33e-09)	7.12e-09** (9.93e-10)	9.94e-09** (1.78e-09)	5.00e-09** (9.84e-10)
Low Intensity Internal Conflict	.304 (.355)	.602 (.821)	-.236 (.344)	-.897* (.400)	.396 (.514)
High Intensity Internal Conflict	1.653* (.701)	.533 (1.366)	1.654** (.567)	2.515** (.961)	.398 (.533)
Constant	.448** (.157)	-.684 (.493)	.652** (.118)	.926** (.190)	.355* (.148)
Wald chi2	227.07	86.65	187.84	127.41	79.68
Prob > chi2	0.0000	0.0000	0.0000	0.0000	0.0000
Dyads	2875	2273	2699	2591	2628
Obs	48204	15593	32611	15673	16938

* Significant at the .05 level; ** Significant at the .01 level

APPENDIX D

LIST OF EMBARGOES

**TABLE D.1. National and International Arms Embargoes,
January 1981-June 2006¹**

Recipient	COW	Exporter/ Organization	Mand- atory	Full	Entry Date	Date Lifted	Notes
Afghanistan	700	UN	NO	Full	10/22/1996	10/2001	Died, but not officially lifted
Afghanistan (Taliban)	700	UN	YES	Partial	12/19/2000	01/16/2002	Replaced with global embargo on Taliban
Afghanistan	700	US	NA	Full	06/14/1996	07/02/2002	Denial policy
Afghanistan	700	US	NA	Partial	07/02/2002	ONGOING	Excludes govt
Afghanistan (new contracts)	700	EU	YES	Partial	12/17/1996	02/16/2001	
Afghanistan (Taliban)	700	EU	YES	Partial	02/26/2001	05/27/2002	Replaced with global embargo on Taliban
Albania	339	COCOM	NO	Full	1949	03/31/1994	
Albania	339	US	NA	Partial	1971 or before	04/04/1994	Denial policy
Algeria	615	France	NA	Full	08/1990	07/19/2004	
Angola (UNITA)	540	UN	YES	Partial	09/15/1993	ONGOING	
Angola (UNITA)	540	US	NA	Partial	09/26/1993	05/06/2003	
Angola	540	US	NA	Full	Mid-1991	07/02/1993	Replaced with case-by- case policy

¹ List contains conventional arms embargoes and export restrictions only.

Table D.1 (Continued)

Angola	540	UK	NA	Full	Mid-1991	08/09/1993	
Angola	540	UK	NA	Partial	02/09/2000	ONGOING	Deny if clear risk that equipment will be deployed to DRC
Argentina	160	EC	NO	Full	4/08/1982	06/14/1982	Members each adopted differently
Argentina	160	US	NA	Full	1977	02/1989	
Argentina	160	US	NA	Partial	09/1982	12/1983	Revised to permit spare parts
Argentina	160	UK	NA	Full	04/1982	12/17/1998	
Argentina	160	UK	NA	Partial	12/17/1998	ONGOING	Deny if equipment could put disputed territory at risk
Argentina	160	Switzerland	NA	Full	04/1982	Fall 1982?	
Argentina	160	Austria	NA	Full	04/08/1982	Fall 1982?	
Argentina	160	France	NA	Full	04/08/1982	08/10/1982	
Armenia (Nagorno-Karabkh)	371	OSCE	NO	Partial	02/28/1992	ONGOING	Only on deliveries to forces in Nagorno-Karabkh
Armenia	371	UN	NO	Full	07/1993	ONGOING	
Armenia	371	EU	YES	Full	02/28/1992	ONGOING	
Armenia	371	US	NA	Partial	1991, with indep.	03/29/2002	Denial policy
Azerbaijan	373	US	NA	Partial	1991, with indep.	03/29/2002	Denial policy
Azerbaijan	373	EU	YES	Full	02/28/1992	ONGOING	
Azerbaijan	373	UN	NO	Full	07/1993	ONGOING	
Azerbaijan (Nagorno-Karabkh)	373	OSCE	NO	Partial	02/28/1992	ONGOING	Only on deliveries to forces in Nagorno-Karabkh
Belarus	370	US	NA	Partial	07/22/1993	ONGOING	Denial policy

Table D.1 (Continued)

Benin (ECOWAS Moratorium, SALW)	434	UK	NA	Partial	04/15/1999	ONGOING	
Bosnia	346	EC	NO	Full	07/05/1991	02/26/1996	Plus associat- ed countries ²
Bosnia	346	EU	YES	Full	02/26/1996	07/17/1999	Modified to put under EU Common Position; includes associat- ed countries
Bosnia (excludes small arms)	346	EU	YES	Partial	07/17/1999	01/23/2006	Excludes SALW for police and de- mining. Includes associat- ed countries
Bosnia	346	UN	YES	Full	09/1991	06/1996	
Bulgaria	355	COCOM	NO	Full	1949	3/31/1994	
Burkina Faso (ECOWAS Moratorium, SALW)	439	UK	NA	Partial	04/15/1999	ONGOING	
Burma (new contracts)	775	EC	NO	Partial	07/11/1991	10/28/1996	Probably already an informal embargo in 1990.
Burma (new contracts)	775	EU	YES	Partial	10/28/1996	ONGOING	
Burma	775	Norway	NA	Partial	10/1996	ONGOING	With EU embargo.

² Associated countries include, unless changed by EU enlargement or otherwise noted, Cyprus, EFTA countries (Iceland, Liechtenstein, Norway, and Switzerland), and members of the European Economic Area (Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, UK, Iceland, Liechtenstein, Norway). However, embargoes are only mandatory for EU members.

Table D.1 (Continued)

Burma	775	US	NA	Full	09/23/1988	ONGOING	
Burma	775	UK	NA	Full	Late 1988	ONGOING	
Burma	775	Switzerland	NA	Full	10/02/2000	10/15/2003	With EU embargo
Burma	775	Switzerland	NA	Full	10/15/2003	ONGOING	Intensified: Forbids technical edu related to such goods.
Burundi	516	UN	NO	Partial	06/09/1995	ONGOING	Via UN embargo to Rwanda;
Burundi	516	OTHER	NO	Full	08/06/1996	01/23/1999	Applies to DRC, Eritrea, Ethiopia, Kenya, Rwanda, Tanzania, Uganda, and Zambia
Burundi	516	UK	NA	Partial	02/09/2000	ONGOING	Deny if clear risk equipment will be deployed in DRC
Cambodia	811	US	NA	Partial	1975	04/1994	Denial policy
Cape Verde (ECOWAS Moratorium, SALW)	402	UK	NA	Partial	04/15/1999	ONGOING	
Chile	155	US	NA	Full	1976	12/1990	In response to human rights abuses
Chile	155	US	NA	Partial	12/1990	10/29/1991	Denial policy
China	710	EU	NO	Full	06/27/1989	ONGOING	Political declaration under EC.
China	710	COCOM	NO	Full	1958	3/31/1994	

Table D.1 (Continued)

China	710	US	NA	Full	06/07/1989	ONGOING	
China	710	US	NA	Partial	1971 or before	12/14/1981	Denial policy
China	710	Australia	NA	Full	06/1989	08/1992	
China	710	Australia	NA	Partial	08/1992	ONGOING	Non-lethal items permitted
Côte d'Ivoire	437	UN	YES	Full	11/15/2004	ONGOING	
Côte d'Ivoire	437	US	NA	Full	12/14/2004	ONGOING	
Côte d'Ivoire	437	EU	YES	Partial	12/13/2004	ONGOING	
Côte d'Ivoire (ECOWAS Moratorium, SALW)	437	UK	NA	Partial	04/15/1999	ONGOING	
Croatia	344	EU	NO	Full	07/05/1991	03/07/1996	Plus associated countries
Croatia	344	EU	YES	Full	03/07/1996	11/20/2000	Confirmed by Common Position
Croatia	344	UN	YES	Full	09/1991	06/1996	
Cuba	40	US	NA	Full	1958	ONGOING	
Cyprus	352	US	NA	Partial	12/18/1992	ONGOING	Does not apply to civilian end-users
Cyprus	352	UK	NA	Partial	02/13/1997	ONGOING	Concern for modernization of military; restricts sale to militaries on both sides.
Czech Republic	316	COCOM	NO	Partial	01/01/1993	03/31/1994	
Czechoslovakia	315	COCOM	NO	Full	1949	4/1991	
Czechoslovakia	315	COCOM	NO	Partial	04/1991	12/31/1992	
Czechoslovakia	315	US	NA	Partial	1971 or before	10/29/1991	
Ecuador	130	US	NA	Partial	02/23/1995	11/13/1995	
Eritrea	531	UN	YES	Full	05/17/2000	05/15/2001	Denial policy

Table D.1 (Continued)

Eritrea	531	UN	NO	Full	02/12/1999	05/17/2000	
Eritrea (new contracts)	531	EU	YES	Partial	03/15/1999	05/31/2001	Plus associated countries
Eritrea	531	US	NA	Partial	03/06/2006	ONGOING	New contracts only; devices for anti-terrorism exempt
Estonia	366	US	NA	Partial	01/01/1991	04/04/1994	Denial policy
Ethiopia	530	UN	YES	Full	05/17/2000	05/15/2001	
Ethiopia	530	UN	NO	Full	02/12/1999	05/17/2000	
Ethiopia	530	Israel	NA	Full	02/1990	Before 2000	
Ethiopia (new contracts)	530	EU	YES	Partial	03/15/1999	05/31/2001	Plus associated countries
Fiji	950	Australia	NA	Full	10/1987	02/1988	Military aid cut off, trade and aid embargo
Gambia (ECOWAS Moratorium, SALW)	420	UK	NA	Partial	04/15/1999	ONGOING	
Georgia (separatist movement)	372	UN	NO	Partial	10/19/2003	ONGOING	Prevent arms to separatist movement in Abkhazia
Georgia	372	US	NA	Partial	1991, with indep.	07/17/1996	Denial policy
Ghana (ECOWAS Moratorium, SALW)	452	UK	NA	Partial	04/15/1999	ONGOING	
Great Britain	200	Switzerland	NA	Full	04/1982	Fall 1982?	
Guatemala	90	US	NA	Full	1977	10/1988	Human rights abuses
Guinea (ECOWAS Moratorium, SALW)	438	UK	NA	Partial	04/15/1999	ONGOING	

Table D.1 (Continued)

Guinea Bissau (ECOWAS Moratorium, SALW)	404	UK	NA	Partial	04/15/1999	ONGOING	
Haiti	41	OAS	NO	Full	9/30/1991	10/15/1994	Coup
Haiti	41	UN	YES	Full	10/13/1993	10/15/1994	Imposed 6/1993 but temp. suspension
Haiti	41	US	NA	Full	10/09/1991	10/2004	
Haiti	41	US	NA	Partial	10/2004	ONGOING	Case-by-case basis
Hong Kong	720	UK	NA	Partial	01/14/1998	ONGOING	Case-by-case basis; denied if for military use by China
Hungary	310	COCOM	NO	Full	1949	4/1991	
Hungary	310	COCOM	NO	Partial	04/1991	03/31/1994	Minimized embargo
Hungary	310	US	NA	Partial	1971 or before	10/29/1991	Denial policy
Indonesia	850	EU	YES	Full	09/17/1999	01/17/2000	Plus associated countries
Indonesia	850	US	NA	Partial	11/1991?	09/1999	Poor human rights; political repression. Prohibits light arms.
Indonesia	850	US	NA	Partial	09/1999	05/2005	East Timor

Table D.1 (Continued)

Indonesia	850	US	NA	Partial	05/2005	11/22/2005	Allows sale of some non-lethal items. Ended as reward for cooperation in war on terror.
Indonesia	850	Australia	NA	Full	1960	12/31/1990 ?	30 year ban; fear of communist threat
Iran	630	US, NATO	NO	Full	Spring 1983	Summer 1987	US and NATO, Operation Staunch. Reports in mid-1987 note that officials claimed there never had been an embargo.
Iran	630	US	NA	Full	1979	ONGOING	Also named terrorist country in 1984
Iran	630	UK	NA	Full	1979	ONGOING	
Iran	630	Italy	NA	Full	06/1984		
Iran	630	Israel	NA	Partial	03/1985		Halt all military shipments; fear of re-transfer to Lebanon

Table D.1 (Continued)

Iran	630	France	NA	Partial	05/13/1981	06/24/1981	Provis- ional embargo
Iran	630	Austria	NA	Full	At least in 1985	Still in 1987	09/1980? - 07/1988?
Iran	630	France	NA	Full	At least in 1983	Still in 1988	09/1980? - 07/1988?
Iran	630	Spain	NA	Full		02/1989	09/1980?
Iran	630	EC	NO	Full	02/1989	10/1990	
Iraq	645	UN	YES	Full	08/06/1990	05/2003	
Iraq (non- govt)	645	UN	YES	Partial	05/2003	ONGOING	Modified to allow delivery of arms to interim govt for internal security and border protect- ion.
Iraq	645	EC	YES	Full	08/08/1990	07/23/2004	
Iraq	645	US	NA	Full	08/03/1990	11/21/2003	
Iraq	645	US	NA	Partial	11/21/2003	ONGOING	Iraqi military and police exempt
Iraq	645	Spain	NA	Full		02/1989	
Iraq	645	UK	NA	Partial		Still in 02/1989	Prohibits trade of weapons which could enhance offensive capabilit- ies
Iraq	645	Italy	NA	Full	Late 1986	05/1990	
Iraq	645	UK	NA	Full	08/1990	See UN embargo	
Iraq	645	Australia	NA	Full	08/1990	See UN embargo	
Iraq	645	Austria	NA	Full	08/1990	See UN embargo	
Iraq	645	Bulgaria	NA	Full	08/1990	See UN embargo	

Table D.1 (Continued)

Iraq	645	China	NA	Full	08/1990	See UN embargo	
Iraq	645	Canada	NA	Full	08/1990	See UN embargo	
Iraq	645	Czechoslovakia	NA	Full	08/1990	See UN embargo	
Iraq	645	France	NA	Full	08/1990	See UN embargo	
Iraq	645	Italy	NA	Full	08/1990	See UN embargo	
Iraq	645	Norway	NA	Full	08/1990	See UN embargo	
Iraq	645	Spain	NA	Full	08/1990	See UN embargo	
Iraq	645	Turkey	NA	Full	08/1990	See UN embargo	
Iraq	645	Soviet Union	NA	Full	08/1990	08/2004	
Iraq	645	Sweden	NA	Full	08/1990	See UN embargo	
Israel	666	UK	NA	Full	06/1982	05/1994	War with Lebanon
Israel	666	UK	NA	Partial	04/2002	ONGOING	Informal embargo; closer export scrutiny
Israel	666	Norway	NA	Full	04/2002	07/2002	
Israel	666	EC	NO	Full	06/1982	11/1989	Inconsistently applied, dead by 1989
Israel	666	Germany	NA	Full	06/1982	11/1989	
Israel	666	France	NA	Full	06/1982	01/1992	
Kazakhstan	705	US	NA	Partial	1991, with independence	07/17/1996	Denial policy
Kuwait	690	Austria	NA	Full	1991?	ONGOING	
Kyrgyzstan	703	US	NA	Partial	1991, with independence	07/17/1996	Denial policy
Latvia	367	US	NA	Partial	01/01/1991	04/04/1994	Denial policy
Lebanon	660	US	NA	Partial	08/11/2006	ONGOING	UN and Lebanese govt forces exempt.
Liberia (ECOWAS Moratorium, SALW)	450	UK	NA	Partial	04/15/1999	ONGOING	

Table D.1 (Continued)

Liberia (non- ECOMOG)	450	UN	YES	Partial	11/19/1992	03/07/2001	
Liberia (non- ECOMOG)	450	UN	YES	Partial	03/07/2001	ONGOING	
Liberia	450	Switzerland	NA	Full	06/27/2001	01/19/2005	Switched over from UN sanction
Liberia	450	Switzerland	NA	Full	01/19/2005	ONGOING	
Liberia	450	US	NA	Full	12/18/1992	ONGOING	Civil war
Libya	620	UN	YES	Full	03/31/1992	04/05/1999	Suspend- ed in 1999, but not formally lifted until 2003.
Libya	620	EC	YES/N O	Full	01/27/1986	10/11/2004	
Libya	620	US	NA	Full	01/07/1986	ONGOING	Military end-use items consider- ed on case-by- case basis and generally denied.
Libya	620	US	NA	Partial	01/08/1980	01/07/1986	Case-by- case basis
Libya	620	France	NA	Full	04/1983	11/1989	
Libya	620	Bulgaria	NA	Full	04/22/1992	04/05/1999	With UN embargo
Libya	620	Austria	NA	Full	1986?	10/2004	
Libya	620	Italy	NA	Partial	01/1986	10/2004	Stop sale or delivery of major weapons systems
Libya	620	UK	NA	Partial	05/1984	10/2004	New contracts only
Lithuania	368	US	NA	Partial	01/01/1991	04/04/1994	Denial policy

Table D.1 (Continued)

Macao	721	UK	NA	Partial	06/03/1998	ONGOING	No licenses for strategic goods that would be denied to mainland China.
Macedonia	343	EC	NO	Full	07/05/1991	03/07/1996	
Macedonia	343	EU	YES	Full	03/07/1996	11/20/2000	Confirmed by Common Position
Mali (ECOWAS Moratorium, SALW)	432	UK	NA	Partial	04/15/1999	ONGOING	
Mauritania (ECOWAS Moratorium, SALW)	435	UK	NA	Partial	04/15/1999	ONGOING	
Middle East	NA	US	NA	Full	02/1985	?11/1985 - in practice ends with deal to sale takes etc to Bahrain	Suspension until Arab nations negotiate directly with Israel. (Not Egypt)
Moldova	359	US	NA	Partial	1991, with independence	07/17/1996	Denial policy
Mongolia	712	US	NA	Partial	1971 or before	06/26/1997	Denial policy
Mongolia	712	COCOM	NO	Full	1949	3/31/1994	
Namibia	565	UK	NA	Partial	02/09/2000	ONGOING	Deny if clear risk that equip. will be deployed in DRC
Nepal	790	US	NA	Full	02/2005	ONGOING	
Nicaragua	93	US	NA	Partial	05/01/1985	03/1990	Sandinistas

Table D.1 (Continued)

Nicaragua	93	Soviet Union	NA	Full	End 1988	Still in 04/1991	
Niger (ECOWAS Moratorium, SALW)	436	UK	NA	Partial	04/15/1999	ONGOING	
Nigeria	475	US	NA	Full	11/1995	Late-1998	
Nigeria	475	UK	NA	Full	11/11/1995	11/1999	
Nigeria	475	EU	YES	Partial	11/20/1995	06/01/1999	New contracts only
Nigeria	475	EU	NO	Partial	11/1993	11/1995	Exceptions for training to improve human rights
Nigeria (ECOWAS Moratorium, SALW)	475	UK	NA	Partial	04/15/1999	ONGOING	
North Korea	731	COCOM	NO	Full	1949	3/31/1994	
North Korea	731	US	NA	Full	1950	06/19/2000	
North Korea	731	US	NA	Partial	06/19/2000	ONGOING	Military end-use items generally denied.
Peru	135	US	NA	Partial	02/23/1995	11/13/1995	
Poland	290	COCOM	NO	Full	1949	4/1991	
Poland	290	COCOM	NO	Partial	04/1991	03/31/1994	Minimized embargo
Poland	290	US	NA	Partial	1971 or before	10/29/1991	Denial policy
Romania	360	COCOM	NO	Full	1949	3/31/1994	
Romania	360	US	NA	Partial	1971 or before	04/04/1994	Denial policy
Russia/USS R	365	COCOM	NO	Full	1949	3/31/1994	
Russia/USS R	365	US	NA	Partial	1971 or before	04/03/1996	Denial policy
Rwanda	517	UN	YES	Full	05/17/1994	08/16/1995	
Rwanda (rebels)	517	UN	YES	Partial	08/16/1995	ONGOING	Rebels only
Rwanda	517	US	NA	Full	12/06/1994	07/30/2003	
Rwanda (rebels)	517	US	NA	Partial	07/30/2003	ONGOING	Govt exempt from denial policy

Table D.1 (Continued)

Rwanda	517	UK	NA	Partial	02/09/2000	ONGOING	Deny if clear risk that equip. will be deployed in DRC
Senegal (ECOWAS Moratorium, SALW)	433	UK	NA	Partial	04/15/1999	ONGOING	
Sierra Leone (ECOWAS Moratorium, SALW)	451	UK	NA	Partial	04/15/1999	ONGOING	
Sierra Leone	451	UN	YES	Full	10/08/1997	06/05/1998	
Sierra Leone (rebels)	451	UN	YES	Partial	06/05/1998	ONGOING	
Sierra Leone (rebels)	451	EU	YES	Partial	06/05/1998	ONGOING	Plus associated countries
Singapore	830	Sweden	NA	Partial	Spring 1984	11/1985	Sales suspended when revealed Singapore had re-sold to states not allowed to buy Swedish arms. Sales resumed when Singapore agreed to stop.
Slovakia	317	COCOM	NO	Partial	01/01/1993	03/31/1994	Minimized embargo
Slovenia	349	EU	YES	Full	07/05/1991	02/16/1996	Plus associated countries
Slovenia (case-by-case)	349	EU	NO	Partial	02/16/1996	08/10/1998	Plus associated countries

Table D.1 (Continued)

Somalia	520	UN	YES	Partial	01/23/1992	07/2002	Humanitarian exemptions for non-lethal equip.
Somalia	520	UN	YES	Full	07/2002	ONGOING	
Somalia	520	US	NA	Full	12/16/1992	ONGOING	
South Africa	560	UN	YES	Full	11/04/1977	05/24/1994	
South Africa	560	EC	NO	Full	07/26/1985	05/25/1994	
South Africa	560	US	NA	Full	1977	02/1998	Kept embargo after UN lifted in 1994
South Africa	560	Norway	NA	Full	03/17/1987	05/1994?	
South Africa	560	Sweden	NA	Full	03/13/1987	05/1994?	
South Africa	560	Israel	NA	Partial	03/17/1987	05/1994?	
Sri Lanka (Tamil rebels)	780	UK	NA	Partial	05/1985	01/1992	Only govt-to-govt contracts allowed
Sudan (new contracts)	625	EU	YES	Partial	03/15/1994	ONGOING	
Sudan (non-govt)	625	UN	YES	Partial	07/30/2004	03/29/2005	
Sudan	625	UN	YES	Full	03/29/2005	ONGOING	All parties involved in cease-fire, including govt
Sudan	625	US	NA	Full	11/03/1992	ONGOING	
Syria (new contracts)	652	EC	NO	Partial	11/14/1986	11/28/1994	Response to airline bombing. Greece NON-participating
Syria	652	US	NA	Partial	01/08/1980	04/07/1988	Case-by-case basis
Syria	652	US	NA	Full	04/07/1988	ONGOING	
Syria	652	France	NA	Full	10/29/1986		Implementation of EC ban
Syria	652	Italy	NA	Full	12/02/1986	10/11/2004	With EC embargo

Table D.1 (Continued)

Taiwan	713	UK	NA	Partial	04/04/1995	ONGOING	Considered on case-by-case basis with implications for regional stability
Tajikistan	702	US	NA	Partial	1991, with independence	01/09/2002	Denial policy
Tanzania	510	UN	NO	Partial	06/09/1995	ONGOING	Via UN embargo to Rwanda
Togo (ECOWAS Moratorium, SALW)	461	UK	NA	Partial	04/15/1999	ONGOING	
Togo	461	ECOWAS	NO	Full	02/2005	ONGOING	
Turkey	640	Switzerland	NA	Partial	05/1990	04/2005	Human rights abuses
Turkey	640	Norway	NA	Full	03/1995	06/1998	
Turkey	640	Austria	NA	Full	?	?	
Turkey	640	Germany	NA	Full	11/1991	10/1992	Human rights abuses
Turkey	640	S Africa	NA	Full	05/04/1995	04/1997	Military incursion on Turkish Kurds in northern Iraq
Turkmenistan	701	US	NA	Partial	1991, with independence	07/17/1996	Denial policy
Uganda	500	UN	NO	Partial	06/09/1995	ONGOING	Via UN embargo to Rwanda
Uganda	500	UK	NA	Partial	02/09/2000	ONGOING	Deny if clear risk that equip. will be deployed in DRC

Table D.1 (Continued)

Ukraine	369	US	NA	Partial	1991, with independence	07/26/1996	Denial policy
Uzbekistan	704	US	NA	Partial	1991, with independence	07/17/1996	Denial policy
Uzbekistan	704	EU	YES	Full	11/14/2005	ONGOING	
Uzbekistan	704	Switzerland	NA	Full	01/18/2006	ONGOING	Human rights abuses
Venezuela	101	US	NA	Full	05/2006	ONGOING	Lack of support for counter-terrorism efforts.
Vietnam	816	COCOM	NO	Full	1954?	3/31/1994	
Vietnam	816	US	NA	Full	12/06/1984	ONGOING	
Vietnam	816	France	NA	Full		1993?	
Yemen	816	US	NA	Partial	12/16/1992	ONGOING	Presumption of denial for lethal items
Yugoslavia	345	UN	YES	Full	09/25/1991	10/01/1996	
Yugoslavia	345	UN	YES	Full	03/31/1998	09/10/2001	
Yugoslavia	345	EU	YES	Full	07/05/1991	10/8/2001	Plus associated countries
Yugoslavia	345	Switzerland	NA	Full	07/01/1998	12/20/2001	
Yugoslavia	345	Australia	NA	Full	04/18/1998	09/2001??	
Yugoslavia	345	Norway	NA	Full	04/17/1998	09/2001	With UN embargo.
Zaire	490	UN	NO	Partial	06/09/1995	ONGOING	Via UN embargo to Rwanda
Zaire (new contracts)	490	EU	YES	Partial	04/07/1993	07/2003	
Zaire	490	EU	YES	Partial	07/2003	ONGOING	Police and arms forces excluded
Zaire (rebels)	490	UN	YES	Partial	07/28/2003	07/2005	Armed groups in east
Zaire (any recipients)	490	UN	YES	Full	07/2005	ONGOING	
Zaire	490	US	NA	Full	04/29/1993	02/17/2004	

Table D.1 (Continued)

Zaire	490	US	NA	Partial	02/17/2004	ONGOING	Non-lethal items permitted on a case-by-case basis
Zaire	490	Bulgaria	NA	Full	09/01/2005	ONGOING	Implementation deepened UN sanctions
Zimbabwe	552	EU	YES	Full	02/18/2002	ONGOING	
Zimbabwe	552	Switzerland	NA	Full	03/19/2002	ONGOING	Human rights abuses and election manipulation
Zimbabwe	552	Norway	NA	Full	08/15/2003	ONGOING	
Zimbabwe	552	UK	NA	Full	05/12/2000	ONGOING	
Zimbabwe	552	US	NA	Full	04/17/2002	ONGOING	
Zimbabwe	552	Canada	NA	Partial	05/2001	ONGOING	

APPENDIX E

INTERVIEWS

Information in the text from specific interviews is cited to maintain the anonymity of the interview subject. Due to the sensitive political nature of the topics under discussion, all but a few subjects agreed that their general affiliation but not their name or specific agency could be used as a public reference. As a result, all subjects are cited by their general affiliation (government official, NGO, industry representative, or other), the month and year of their interview, and a code to indicate the specific source in the researcher's private records. Because the arms trade community is small and relatively tight-knit, I have chosen to refrain from listing specific government agencies, defense companies or associations, or civil society groups, in the knowledge that doing so could make specific individuals interviewed more easily identifiable.

The code number consists of the interview number, the type of interview (1 for government; 2 for NGO; 3 for industry; 4 for other), the year of the interview, and the Correlates of War country code for the subject's national expertise/affiliation.

TABLE E.1. Case Study Interviews

Country	COW Code	Number of Interview Participants
Belgium	211	18
France	220	6
Germany	255	15
Switzerland	225	9
United Kingdom	200	12
United States	002	4

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